



State of Washington  
**DEPARTMENT OF FISH AND WILDLIFE**

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Dear Interested Party:

Thank you for participating in the sportfishing rule development process for 2006-2007. The enclosed document, the Concise Explanatory Statement, is the final step in the adoption of the sportfishing rules. This document contains an explanation of all the rule proposals that were sent out for comment last fall, a summary of the testimony received on each proposal, and any modifications or additions made to the original proposals, as well as the staff recommendation and Commission action on each proposal.

You were sent this document because you have participated in the sportfishing rule process in some way either this year or in the past; perhaps by requesting to be on the mailing list, sending in a proposal, attending a meeting, or submitting testimony. If you do not want to continue to receive mailings about this process, please either mail, call, or e-mail us at the numbers below. Because these documents are costly to mail, we would appreciate your letting us know if you are no longer interested. Another way you can help cut the cost of this process is to allow us to contact you by e-mail rather than US mail. If you were mailed this document but would be willing to receive future notifications by e-mail instead, please send us an e-mail to let us know. Be sure to include the exact name and address we have been mailing to so we can delete it from our US mail list.

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Thank you again.

Sincerely

A handwritten signature in black ink, which appears to read "Patricia Michael".

Patricia Michael  
Sportfishing Rules Coordinator



**CONCISE EXPLANATORY  
STATEMENT REGARDING  
2006-2007 SPORTFISHING  
RULE PROPOSALS**

# TABLE OF CONTENTS

<b>Statewide Rules .....</b>	<b>1</b>
#1. Selective Gear Rules – 2 Changes Proposed .....	1
#2. Barbless Hook Rule – Housekeeping .....	3
#3. Drop Setlines as a Legal Gear for Burbot .....	4
#4. Definition of a Hatchery Steelhead or Cutthroat Trout.....	4
#5. Make Grass Pickerel a Game Fish.....	5
#6. Fishing Tournaments – 3 Proposed Changes .....	6
#7. Fork Length Measurement for Sturgeon .....	8
<b>Freshwater General Rules .....</b>	<b>9</b>
#8. Removing Salmon, Steelhead, and Dolly Varden from the Water.....	9
#9. Drop the Annual Limit for Hatchery Steelhead .....	11
<b>Region 1 .....</b>	<b>16</b>
#10. Upper Spokane River Catch-and-Release Fishery .....	16
#11. Spokane River Fishing Boundary Modification.....	16
#12. Apply Snake River Rules for Game Fish to Palouse River.....	17
#13. Daily Limit for Eastern Brook Trout in Pend Oreille Watershed Streams .....	17
#14. Bass Rules on Touchet River Forks.....	18
#15. Coffeepot Lake Rules – Three Proposals .....	18
#16. Horseshoe Lake Kokanee Bonus Limit .....	19
#17. Sullivan Lake Kokanee Bonus Limit .....	19
#18. Roosevelt Lake Rules – 4 Proposals .....	20
#19. Trout Rules for Selected Southeastern WA Lakes .....	21
<b>Region 2 .....</b>	<b>22</b>
#20. Chewuch River Catch-and-Release Fishery .....	22
#21. Methow River Catch-and-Release Fishery.....	22
#22. Twisp River Catch-and-Release Fishery.....	23
#23. Crab Creek Daily and Possession Limits .....	23
#24. Entiat River Eastern Brook Trout Bonus Limit.....	24
#25. Old Mill Stream – Closed Waters .....	25
#26. Lake Chelan Kokanee Rules.....	25
#27. Rufus Woods Lake Kokanee Rules.....	25
#28. Banks Lake Bass Rules .....	26
#29. Moses Lake Rules for Bass, Crappie, Walleye, and Yellow Perch.....	26
#30. Potholes Reservoir Rules for Bass and Walleye .....	27
#31. Spectacle Lake Season .....	28
#32. Sprague Lake Walleye Rules .....	28
Housekeeping Change – Ping Pond .....	29
<b>Region 3 .....</b>	<b>30</b>
#33. Yakima River Bass Rule .....	30
#34. Yakima River Closed Waters Rule - Housekeeping .....	30

Region 4 .....	31
#35. Canyon Creek Closed Waters.....	31
#36. Cedar River Fishery .....	31
#37. Harrison Slough Open Season .....	43
#38. Lucas Slough Open Season .....	44
#39. Lake Washington Tributaries (Except Cedar River) Juvenile Fishery .....	44
#40. Skagit River Fishery Boundaries .....	45
#41. Skykomish River Catch-and-Release Fishery .....	47
#42. NF Stillaguamish Catch-and-Release Season .....	48
#43. Tokul Creek Fishing Area Boundaries and Seasons.....	49
#44. Blackman Lake Trout Limit.....	51
#45. Hancock Lake Season .....	51
#46. Mountain Lake Trout Daily Limit.....	51
Region 5 .....	53
#47. NF Cispus River Selective Gear Rules .....	53
#48. Cowlitz River Clear Fork and Muddy Fork Selective Gear Rules .....	53
#49. Coweeman River Steelhead Season .....	53
#50. Elochoman River Salmon Fishery .....	55
#51. Elochoman River Steelhead Fishery .....	55
#52. Gobar Creek Catch-and-Release Fishery .....	57
#53. Grays River Hatchery Spring Chinook Salmon Fishery.....	57
#54. Grays River Steelhead Fishery .....	58
#55. Green River – Three Proposals.....	59
#56. Kalama River Catch-and-Release Fisheries .....	62
#57. EF Lewis River Hatchery Steelhead Fishery .....	63
#58. Skate Creek Adipose-Clipped Rainbow .....	64
#59. Tilton River Adipose-Clipped Rainbow .....	64
#60. Wind River Steelhead Fishery.....	65
#61. Washougal River – 2 Proposals .....	66
#62. Columbia River Sturgeon Retention Fisheries - 2 Proposals .....	68
#63. Apply Columbia River Sturgeon Rules to Vancouver Lake .....	69
#64. Mayfield Lake Trout Rules .....	70
#65. Scanewa Lake Trout Rules .....	70
#66. Silver Lake Crappie Rules.....	71
Region 6 .....	72
#67. Chambers Creek Season and Restrictions .....	72
#68. Nisqually and Puyallup Watershed Steelhead and Char Protection.....	72
#69. Dosewallips River Seasons.....	73
#70. Duckabush River Seasons.....	74
#71. Hamma Hamma River Season.....	75
#72. Increased Daily Limit for Hatchery Steelhead in Coastal Rivers .....	76
#73. Upper Dickey River Steelhead Protection .....	78
#74. Harvest of Stray Hatchery Steelhead in Bear, Middle and South Fork Nemah, and Palix Rivers .....	79
#75. Williams Creek Harvest of Stray Hatchery Steelhead .....	80
#76. Naselle River – 3 Proposals .....	80
#77. SF Naselle River Harvest of Stray Hatchery Steelhead .....	82
#78. Salmon Creek Harvest of Stray Hatchery Steelhead .....	82
#79. North River Harvest of Hatchery Steelhead .....	83

#80. Willapa River Chinook Protection.....	83
#81. Upper Willapa River Harvest of Stray Hatchery Steelhead .....	84
#82. SF Willapa River .....	84
#83. Cedar River .....	85
#84. Chehalis River Wild Steelhead Retention .....	86
#85. Humptulips River Wild Steelhead Retention .....	87
#86. Wynoochee River Wild Steelhead Retention .....	89
#87. Wynoochee River Selective Gear Rules .....	91
#88. Wishkah River Salmon Season.....	92
#89. Anderson Lake .....	92
#90. Spanaway Lake Bass Rule- Housekeeping .....	93
New Proposal - Clover Creek.....	96
<b>Marine Area Rules .....</b>	<b>94</b>
#91. Catch Record Card Required for Halibut in All Marine Areas.....	94
#92. Clarification of Rule for Bringing Canadian-Caught Fish in to the US .....	95
#93. Forage Fish Dip Net Mesh .....	96
#94. Agate Pass Fishery .....	96
<b>Shellfish Rules.....</b>	<b>97</b>
#95. Shrimp Harvest by Divers in Marine Area 8-2 .....	97
#96. Clarification of Shrimp Pot Mesh Rules.....	97
#97. Maximum Size for Crab Pots .....	98
#98. Daily Limit for Squid .....	99
#99. Belfair State Park Clam and Oyster Harvest .....	99
#100. Eagle Creek Oyster Season .....	99
#101. Fort Flagler State Park, Oak Bay County Park Oyster Seasons.....	100
#102. Potlatch DNR Tidelands .....	101

# Statewide Rules

## #1. Selective Gear Rules – 2 Changes Proposed

**Current definition of Selective Gear Rules:** *"Selective gear rules" means terminal fishing gear is limited to artificial flies with barbless single hooks or lures with barbless single hooks, bait is prohibited, and fishing from a floating device equipped with a motor is prohibited unless otherwise provided. Up to three hooks may be used. In waters under selective gear rules, fish may be released until the daily limit is retained.*

**Proposal 1:** Allow fishing from a boat equipped with an electric motor in waters with selective gear rules.

**Explanation:** This proposal was made by the Advisory Committee to the Fish and Wildlife Commission for Persons with Disabilities. They point out that persons with disabilities may not be able to row a floating device in these waters, but would be able to participate in the fishery if allowed to use electric motors. Changing the rule to allow all anglers to use electric motors would make enforcement much easier, while still allowing a reasonable accommodation for persons with disabilities.

**Proposal 1 Testimony:** I cannot row a boat and hold a fishing pole at the same time, while drifting down a river.

I think the proposal for use of electric motors on quality water fits nicely with the overall idea for implementation of Quality Water concept. It should be adopted.

Conservation Committee of the Washington Fly Fishing Club supports proposal.

I support the proposed change. However I would limit that use to those that have a valid handicap permit.

If we're going to allow electric motors, why not gas? What is the real intent here? If it is to prevent trolling, no motors should be allowed. If we allow propulsion, what difference does the kind make? I suggest all reference to the propulsion rule be dropped.

Olympic Peninsula Guides Association supports the proposal only for those anglers fulfilling requirements for a license for persons with disabilities.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

**Proposal 2:** Add a requirement that anglers use knotless nets in waters with selective gear rules.

**Explanation:** Most waters with this rule are targeted catch-and-release opportunities. Reducing handling mortality maximizes fish populations and enhances catch rates. Using knotless nets will reduce skin abrasion and scale loss, which should increase the survival of released fish.

## **Proposal 2 Testimony:**

This rule change makes sense and I support it. I suggest that electric motors also be allowed in all "fly fishing only" lakes for the same rationale.

What I did not see, but expected to, was the regulation and specifications for "knotless" landing nets. Somehow I thought that issue was to be resolved this go-round so manufacturers would know what to build and the sportspersons would know when they have to start using compliant nets. The use of a "soft knotless net or rubber mesh net" seems to be a recommended practice, as would the use of a dehooker. I'm willing to spring for a new net; I just want to make sure it will meet the future requirements.

I have been fishing for nearly half a century and release 500 or more fish a year, of which 100-200 will be larger trout or salmonids. I believe the knotless net can reduce fish damage during netting, but only in the hands of an educated fisherman who won't reduce the chances of survival before and after netting. Temperature, time the fish is played, removing the fish from the water, wrapping a fish up in any net and taking too long in any of these things will result in mortality. Generally, we never remove a fish from the water, don't use a net, play a fish so that it will have adequate reserves to recover after release, regardless of weight of tackle, and help the fish start to relax and breathe after being captured. Requiring knotless nets is unnecessary. Education is much more important. For the record, every steelhead I catch in the Columbia, Snake, and Clearwater drainages seems to have net marks on it (not the kind we are talking about).

I suggest that the rule be made more specific requiring the use of rubber mesh nets.

I have just learned that the department is considering banning the use of knotted nets (in some cases). I would like to ask that you consider otherwise.

I am a typical fly fisher and take much enjoyment and care in making my own flies and my own nets. The nets are hand-tied (with knots, of course!), and dyed, then woven into the hand-made net.

I doubt that I have much of an impact on the total fishery in this state; I probably take no more than 6 fish/year. However, I do enjoy taking photographs (see attached).

If the department insists on banning knotted nets, please consider an exception for hand-made nets. My impact on the total fish population would be minimal. I would be happy to share with you more photos or even the nets themselves. Also I would be happy to attend your meeting in Vancouver, if you would welcome the input.

Conservation Committee of the Washington Fly Fishing Club is ambivalent.

Support the requirement.

If knotless nets are going to be required, the same requirements should be applied to all nets used by WDFW in hatcheries and during research. And what kind of gloves are used when clipping juvenile fish or handling fish for research? How about "ponds" or fish



tanks? Are they non-abrasive as well? You are trying to propose a regulation that has not been fully researched and it is being applied unfairly to a limited population, and is an added burden for the recreational angler that will accomplish little

When I see native fishers using large treble hooks wrapped with lead to snag salmon in the same waters where recreational anglers are required to use knotless nets I have to laugh. I assume the native fishers are getting their quota – the damage done to escaping fish is much more than that done by recreational anglers releasing fish. Until these rules can be applied across the entire fishing population, they should not be considered.

Wild Steelhead Coalition supports proposal. Additionally, one WSC member and 2 other anglers wrote in support of WSC position.

South Sound Fly Fishers (90 members) is pleased to see proposals like this one that further protect wild stocks. These changes should continue to improve the survival of wild fish.

Support (2).

Olympic Peninsula Guides Association supports the proposal.

Clark-Skamania Flyfishers support the proposal.

Native Fish Society says remove the “three hooks may be used” to prevent double hooking or tangling of fish to allow easy release of ESA listed fish.

There is no doubt the gillnet fleet of 525 which use nets to harvest do more damage than the entire sport fleet. You need to come up with an alternate method of commercially harvesting salmon in rivers that does not require nets before you start making changes for the sport fishing fleet. By putting this regulation forward you are admitting that nets are harmful to fish survival. Level the playing field for the fish’s sake. Look at alternative commercial harvest methods.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#2. Barbless Hook Rule – Housekeeping**

**Proposal:** This proposal is a housekeeping item to make an existing rule clearer and more enforceable. It strengthens the language in the rule that requires anglers to use 1) single barbless hooks for salmon in Marine Areas 1-4 (except Westport and Ocean Shores boat basins) and 2) barbless hooks in Marine Areas 5-13 (except on forage fish jigger gear).

**Explanation:** A county prosecutor has raised the question of whether the barbless hook requirement in Puget Sound for fish other than forage fish is enforceable under the current rule language. This proposal clarifies the intent of the rule. There is currently an emergency rule in place to allow enforcement of this regulation.

**Testimony:**

Conservation Committee of the Washington Fly Fishing Club supports proposal.

South Sound Fly Fishers (90 members) is pleased to see proposals like this one that further protect wild stocks. These changes should continue to improve the survival of wild fish.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

### **#3. Drop Setlines as a Legal Gear for Burbot**

**Proposal:** Currently, setlines with up to 5 hooks are allowed in some areas for harvest of burbot. This proposal would do away with this rule, so burbot anglers would need to comply with the statewide rule of one line with up to three hooks (unless other more restrictive rules are in effect for a particular water).

**Explanation:** Burbot are a native game fish found in only 11 waters in Washington. The last stock status monitoring was done in 1997, when one stock was rated as healthy, one as critical, and nine as unknown. Although setlines are a gear that has been traditionally used for burbot, setlines are really commercial gear that should not be allowed for game fish, especially a native species with limited distribution and no current monitoring of the population. Given the high potential of overharvest with setlines, burbot should be managed conservatively with the same gear rules as all other game fish.

**Testimony:** None.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

### **#4. Definition of a Hatchery Steelhead or Cutthroat Trout**

**Proposal:** The current definition of a hatchery steelhead or trout is a fish missing an adipose fin or a ventral fin with a healed scar at the location of the missing fin. This proposal would make the definition a steelhead or cutthroat with a clipped adipose or ventral fin, and a healed scar at the location of the fin.

**Explanation:** This proposal is intended to address the problem anglers face when they encounter a fish with a partially clipped fin. Under the current definition (missing fin), it is not legal for anglers to retain these fish, even though they really are hatchery fish intended for harvest. This change, which has already been adopted for salmon through

the North of Falcon process, should make the rule clearer and also make more hatchery fish available to anglers.

**Testimony:**

This rule change is sensible.

Conservation Committee of the Washington Fly Fishing Club supports proposal.

In favor of the proposal.

No problem with the regulation. I have a problem with the use of wild in the rules. Just because a fish is not clipped, it doesn't mean it was not raised in a hatchery or come from hatchery stock. You can only tell genetically. Clipped fish are only a single generation of hatchery fish, and there are hatchery fish that are not clipped. When a river has had 40 years of hatchery fish released, I wonder what percentage of wild vs. hatchery fish is really returning.

Wild Steelhead Coalition supports proposal. Additionally, one WSC member and another angler wrote in support of the WSC position.  
Support (2).

Clark-Skamania Flyfishers support the proposal.

Olympic Peninsula Guides Association supports the proposal.

Vancouver Wildlife supports proposal.

Native Fish Society supports proposal.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#5. Make Grass Pickerel a Game Fish**

**Proposal:** Add grass pickerel to the list of fish classified as game fish.

**Explanation:** Grass pickerel are a non-native species that is expanding its range to parts of Washington. Grass pickerel feed primarily on other fish and have been known to take juvenile salmonids. We encourage anglers to harvest these fish, but in developing this fishery, we want to make sure there is not a loophole for anglers to fish waters closed to other species while claiming to fish for grass pickerel. Classifying them as game fish automatically applies statewide gear, season, and area rules to any fisheries for grass pickerel.

**Testimony:**

The King County Outdoor Sports Council cannot support this proposal as we believe it is more important to remove pickerel from our waters than to worry about a few anglers

who might take advantage of being able to say they are fishing for pickerel and then releasing trout caught incidentally.

**Staff Recommendation:** Do not adopt. Fix loophole for all unclassified fish during next year's minor rule change cycle.

**Commission Action:** Proposal was not adopted.

## **#6. Fishing Tournaments – 3 Proposed Changes**

**Proposal 1:** The fishing contest rule limits the number of boats per contest day for bass and walleye tournaments, based on the size of the body of water. Currently, tournaments on waters from 3001 to 6000 acres are limited to 50 boats per day, and those on waters between 6001 and 10,000 acres are limited to 100 boats. This proposal would change the limit to 75 boats on waters from 3001 to 6000 acres, and to 150 boats on waters between 6001 and 10,000 acres.

**Explanation 1:** This proposal will allow more boats on some of the middle-to-large size lakes, where interest in fishing contests is on the increase.

**Proposal 1 Testimony:**

Conservation Committee of the Washington Fly Fishing Club is ambivalent – consensus opinion is in opposition to all fishing tournaments.

I do not support this. While it is true that tournament interest is increasing on many waters it is also true that there is increased non-tournament fishing interest on those waters. Allowing additional boats on the water would increase the conflict between tournament and not-tournament anglers.

Oppose any fishing tournament – fishing is not a competitive sport.

**Modification:** In waters between 6001 and 10,000 acres, change the boat limit to 120 boats instead of the proposed 150.

**Staff Recommendation:** Adopt as modified.

**Commission Action:** Adopted as modified.

**Proposal 2:** The contest rule also limits the total value of prizes that may be awarded for fishing contests targeting trout, steelhead, char, whitefish, grayling, or kokanee, or when bass and walleye are targeted as non catch-and-release. The current limit is \$1000. This proposal would raise that limit to \$5000.

**Explanation 2:** The cost of prizes (i.e., bicycles and fishing equipment) has increased. This increase in the monetary limit for prizes will allow tournament planners to offer nicer prizes, and increase interest in their tournaments.

**Proposal 2 Testimony:**

Conservation Committee of the Washington Fly Fishing Club is ambivalent – consensus opinion is in opposition to all fishing tournaments.

Support change.

Wild Steelhead Coalition supports no contests targeting wild steelhead. Additionally, one WSC member and 3 other anglers wrote in support of the WSC position.

Clark-Skamania Flyfishers and Native Fish Society support no contests targeting wild steelhead.

Oppose any fishing tournament – fishing in not a competitive sport.

Olympic Peninsula Guides Association supports the proposal only for tournaments targeting steelhead of hatchery origin only.

**Modification:** Add tiger muskie to the list of species where the prize limit applies.

**Staff Recommendation:** Adopt as modified.

**Commission Action:** Adopted as modified.

**Proposal 3:** Currently, the contest rule lists specific requirements for the dimensions and water capacity of livewells that anglers must use during walleye tournaments. This proposal would eliminate those requirements.

**Explanation 3:** Tournament directors are responsible for ensuring the survival of tournament-caught walleye. They have the knowledge of what will or will not work, and what types and sizes of livewells are currently available to anglers. Allowing tournament directors to set the requirements for livewells also gives them the flexibility to have different rules for different water conditions.

**Proposal 3 Testimony:**

Conservation Committee of the Washington Fly Fishing Club is ambivalent – consensus opinion is in opposition to all fishing tournaments.

Support change.

Oppose any fishing tournament – fishing in not a competitive sport.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#7. Fork Length Measurement for Sturgeon**

**Proposal:** Currently, the slot limit for sturgeon harvest is based on a measurement of the total length of the fish (including the tail). This proposal would allow managers to use fork length rather than total length when they set the retention size for sturgeon.

**Explanation:** Sturgeon have a cyclic tail with the top lobe being longer than the bottom. Measuring total length requires that the tail is lying in a “normal position”. It is often difficult for the angler to keep the fish in a “normal position” long enough to measure the top of the tail. This is particularly a problem with fish that are near the upper and lower ends of the slot limit. The result is an increase in handling time (waiting until the fish quits flopping around the boat). Many anglers even hold the fish vertically by the tail and measure from the floor of the boat to the top of the tail. All of this increases the handling stress and impacts survival of released fish. This can be a significant problem since large numbers of sturgeon are caught and released. In addition, there are instances of people cutting off the top lobe of the tail and releasing the fish, presumably to make an oversized fish legal if caught again.

Converting to fork length will reduce handling time since the angler will not have to get the top of the tail in a “normal position”. It is much easier to measure fork length, so fish not within the slot limit can be released more quickly. It will also take away the incentive to cut off the top of the tail. Fork length is less ambiguous, making enforcement more clear-cut and the rule easier for anglers to comply with.

Our sturgeon technical staff has the information to correlate total length for sturgeon to fork length, so the actual size of sturgeon anglers may retain will not change.

Implementing this rule will be contingent on adoption by ODFW because of the joint boundary waters on the Columbia River. We will work with ODFW staff this fall on the potential for implementing this rule as part of our joint sturgeon management plan.

### **Testimony:**

I support the proposal with the caveat that Oregon and Washington both must allow the retention of one legal sturgeon designated by transport tags as an “anytime fish”, thus allowing occasional anglers and those that must work Thursdays, Fridays, and Saturdays an opportunity to actually keep a fish during the angling year.  
Support change.

Vancouver Wildlife supports proposal.

**Staff Recommendation:** Do not adopt. More time is needed for public outreach and coordination with Oregon. Move to the minor rules cycle next year.

**Commission Action:** Proposal was not adopted.

# Freshwater General Rules

## #8. Removing Salmon, Steelhead, and Dolly Varden from the Water

**Proposal:** The current rule states that it is unlawful to totally remove from the water any salmon, steelhead, or Dolly Varden/bull trout required to be released. This proposal would eliminate the word “required” from this rule.

**Explanation:** This change would mean that anglers may not remove from the water any salmon, steelhead, or Dolly Varden/bull trout that they intend to release, whether it is legal to keep the fish or not. This should help anglers remember to treat fish they intend to release gently, and eliminate the practice of dragging fish up onto the beach, bringing them into a boat, or holding them out of the water for a photo before releasing them.

**Testimony:**

I believe that rather than prevent the removal of said fish from water the use of rubber mesh nets would better reduce the stress on released fish. A gentle lifting of the fish from the water rather than suspending it from the line seems less stressful.

When you begin enforcing this for all other efforts besides recreational fishers, then it can be considered for recreational fishers as well. During research efforts, tagging, measuring, weighing, etc, fish are clearly out of the water. If this increases mortality so significantly all research data will be skewed because of the lower survival and cannot be applied to the rest of the population.

If WDFW really knows so much about “wild” and “hatchery runs”, particularly steelhead, they should approach regulation in a different manner. Instead of identifying hatchery fish as clipped fish, which isn’t entirely true, seasons should be set so that “wild” fish, as identified genetically, are not endangered. If a wild run has mixed with hatchery fish over a reasonable length of time, this run has been compromised genetically and is not wild any longer. It can be managed as a total fishery, with no distinction as to “wild” or “hatchery”. There is no reason to clip this run any longer, reducing costs, mortality from clipping, and regulations. If there is little or no mixing because of different run timings, then simply set the seasons to target wild and hatchery fish separately. No reason to clip fish and the regs are easier.

I know of no effort by the tribes to identify the catch or wild of hatchery fish – there is no reporting that indicated this. Nor has WDFW tried to implement this. Maybe its time to do just that. While the tribes are entitled to half the catch they should only be entitled to half the wild run, since hatchery fish were not present at the time of the treaties and are not supported by the tribes. Where mixing has occurred, it would take negotiation on the portions of the runs available to each group.

The identification of the “wild” runs is paramount to this approach, but it would do away with the need for clipping and simplify the rules. It would be up to the individual fisherperson for catch-and-release, or WDFW could require any landed fish be taken, or at least punched, so handling mortality would be reduced and enforcement simplified. Drawbacks to this approach don’t come quickly to mind. Lets do it.

King County Outdoor Sports Council supports this rule.

Wild Steelhead Coalition supports proposal. Additionally, one WSC member and 4 other anglers wrote in support of the WSC position.

South Sound Fly Fishers (90 members) is pleased to see proposals like this one that further protect wild stocks. These changes should continue to improve the survival of wild fish.

The whole issue of not removing fish intended for release is well intentioned but unrealistic. If these fish are so delicate that they cannot sustain a photograph or two, then we shouldn't even have catch and release fisheries. I often fish alone, and bring my fish at least part way onto the bank in order to unhook and release them. Since this is now illegal, I will be looking into unknotted nets for C and R. But you can't really expect everyone to go out and buy these fancy fly fishing nets in order to comply with the law, can you? Have you considered your average bank fisherman in this proposal, or just the rich guys with jet sleds?

Support (2).

Clark-Skamania Flyfishers support the proposal.

Olympic Peninsula Guides Association supports the proposal.

Vancouver Wildlife supports proposal.

Native Fish Society supports proposal.

I see no provisions for the handicapped; it would be very difficult for persons with mobility problems to abide by this rule and would severely limit their fishing for salmon and steelhead. Second, due to the seal lion problem on the Columbia it has gotten very dangerous to release fish. Please make exceptions during the spring chinook fishing on the Columbia and tributaries for the angler's safety.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.



## **#9. Drop the Annual Limit for Hatchery Steelhead**

**Proposal:** Currently there is an annual limit of 30 steelhead; no more than one of these may be a wild fish. This proposal would do away with the annual limit of 30 steelhead, while retaining the limit of one wild fish per angler per license year.

**Explanation:** The yearly one-fish limit for wild steelhead is meant to address conservation concerns for wild fish. Hatchery fish do not need an annual limit for conservation reasons. Hatchery fish are stocked to provide harvest and WDFW's intent is to maximize their use. If a situation arises where broodstock needs are in jeopardy, emergency regulations are used on a case-by-case basis to close fisheries. Doing away with the annual limit for these fish will help to reduce surpluses at hatcheries and allow anglers to harvest more hatchery fish. This proposal will also help in accounting for total harvest, since many anglers who catch more than 30 steelhead per year do not currently record them.

**Testimony:** I am against dropping the annual limit of Hatchery Steelhead. The punch card system is the only system used to collect how many fish are caught annually and the only data the Department can use to establish the numbers of fish taken from a river. This data is needed to establish the ratio of Indian to sports hatchery fish taken. If you drop the annual limit for the sports fisher the Indians will want to drop the annual limit of their take also. Net fishing can easily wipe out a stock of fish.  
DO NOT APPROVE THIS CHANGE.

I oppose this rule change. I feel that the hatchery steelhead catch will not substantially be increased. Rather, I feel that the catch will be concentrated more with the superior anglers. Really, who needs more than thirty steelhead?

I believe we should leave the 30 fish limit in place. 30 steelhead should be enough for anybody.

Conservation Committee of the Washington Fly Fishing Club is opposed. We are very concerned about incidental mortality to wild fish.

In favor of the proposal. But if enacted, all steelhead caught-kept or caught-released should be recorded on the new punch card system adopted under the proposal. This system would provide biologists more specific data than they currently receive regarding released fish.

I do not support this proposal. While it is certainly true that the annual limit is not needed for conservation, it is equally true that annual limits have been used to spread the harvest of a limited resource among more anglers. Given the recent low marine survival of steelhead (both hatchery and wild) in much of western Washington the amount of available steelhead has not increased but rather decreased. Equally the angler interest remains high. I would suggest that need to equably spread the harvest among the angling community remains and rather than removing the annual limit serious consideration should be given to lower the annual limit. I would suggest a limit of 20 steelhead.

Such a lowering of the annual limit would provide more fish to those anglers who either have less time or less skill than the “high-liners”. Having more fish available for those anglers would increase interest. With the majority of the hatchery fish returning to the terminal release sites those fish would be readily available and not likely to represent any increased threat to the wild populations.

In favor of dropping the annual limit for steelhead.

King County Outdoor Sports Council supports this rule.

Wild Steelhead Coalition opposes proposal. WCS believes that 30 fish are sufficient. If hatchery fish are deemed to be in surplus numbers we recommend hatchery releases be reduced. . Additionally, one WSC member and 4 other anglers wrote in support of the WSC position.

South Sound Fly Fishers (90 members) questions the wisdom of dropping the annual limit for hatchery fish. While we do not object to harvesting hatchery steelhead, allowing some anglers to take more than 30 per season will diminish the opportunity for others. We oppose this change. Thirty fish a year should be enough for any anglers.

Clark-Skamania Flyfishers oppose the proposal. CSF believes that a 30 fish annual limit is sufficient. Furthermore if hatchery fish are deemed to be in surplus numbers, we recommend that hatchery released should be reduced.

Oppose – 30 hatchery steelhead are enough; if there are too many, stop planting so many.

Olympic Peninsula Guides Association opposes the proposal.

Vancouver Wildlife says: Oppose and request the limit be dropped to 20-25 for the following reasons:

- 1) An increase sends the wrong message that there is an abundance of steelhead and no need to conserve these fish, whether wild or hatchery produced. If some rivers have too many returning steelhead, reduce the smolt production for that river, or let them die a natural death and their carcasses will become part of a needed food supply for young steelhead and salmon.
- 2) Eliminating the annual limit may tempt some to sell excess fish illegally. I believe this is a much bigger problem than fishermen not recording their catches on punch cards.
- 3) Many of our rivers in SW WA are overcrowded with sportsmen. Reducing the annual limit will take some of these fishermen off the rivers and improve the quality of the fishery for the other fishermen.
- 4) Removing some of the very successful fishermen will reduce the incidental killing of wild steelhead by taking another hook out of the river.

Native Fish Society opposes proposal. The 30 fish annual limit is sufficient. Furthermore if hatchery fish are deemed to be in surplus numbers we recommend that hatchery releases should be released.

Proposals # 9 (Drop the Annual Limit for Hatchery Steelhead) and #72 (Increased Daily Limit for Hatchery steelhead in Coastal Rivers) are detrimental to the recovery and conservation of wild steelhead. Steelhead stocks are listed, depleted or generally in decline throughout their entire range in Washington. History and science has shown us that hatchery production has been detrimental to wild fish and I will attempt to give you some specifics here to understand why the above two proposals will further the decline of wild steelhead stocks in all rivers subject to the present hatchery fisheries in Washington.

Winter runs of hatchery steelhead had their productive origin in about 1962 after WDFW studies learned to produce Chambers Creek early returning fish in large numbers. These new runs brought increased interest in fishing for steelhead and during the 1960's and the total harvest during that short period (of hatchery and wild fish) increased 53% percent and the number of fishers increased 63% compared to the late 1950's harvest. The catch per fisher decreased 6.1% (Royal, 1976). Although the magnitude of these proposed changes may be lower, the WDFW proposals to increase the hatchery catch will bring undesirable changes to the catch and effort of hatchery and wild steelhead today. This proposal comes at a time when we should be talking about down sizing hatchery production to meet real social needs, reforming hatcheries to produce better quality fish, and reducing impacts of hatchery fish on wild stocks to prevent further declines and improve recovery efforts.

A second reason to maintain and reduce effort on winter hatchery fish is the mixed stock impact hatchery fisheries have on wild stocks. Ricker (1972) was one of the first biologists to tell us that allowing a fishery to operate simultaneous on two stocks would, in time, depleted or even extirpate the weaker stock. On most rivers the hatchery stock recruitment is larger than the wild runs and only a few of these fish are needed for hatchery spawning. Wild stocks need at least 40% (today that figure is often 100%) of their returning fish to spawn. Managing for a high harvest of hatchery fish in a mixed hatchery/wild stock fishery will deplete the wild run.

A report by McLachlan (1994) and a report by WDFW (1996) to the Fish and Wildlife Commission both concluded that there has been a significant decline of the historical December and January runs of the wild winter steelhead to the Quillayute River System. WDG Game Bulletins (1956,1957) from the 1950's, the last decade before hatchery fish became abundant, show the sport catch was high during these months and sometimes peaked during January. Bahls (2002) review of the status of the Sol Duc River and found the December –January component of the run had declined from 30% to 16%.

The Wild Steelhead Coalition reviewed the changes in the Quillayute River System from the data presented in the WDFW publication (1996). Information from Appendix C and Table 2 of this publication were analyzed for changes in the early runs using the historical (1952 through 1960) and the recent run (1990 through 1995) data for the months of December and January. The historical catches of December and January combined were 40.8 % of the total run. The recent catches had declined to 18.8% of the total catch, or less than one half of the original catch during the early months. The

long-term trend since the hatchery fish origin (from data available for 1978 to 1995) suggests the decline still continues.

Hatchery fish production undoubtedly has affected wild fish survival at sea. During years of poor ocean productivity, smolts and juvenile fish compete for very limited food supplies, especially right after leaving the river/estuary. The near shore environment has lacked sufficient upwelling and nutrient replacement during the spring and not produced an adequate supply of plankton and forage fish for young salmonids to feed on. Ocean productivity and salmonid production has been found to vary widely and one recent study showed the survival of Oregon hatchery coho can range between 0 and 12% due to changes in ocean conditions (Mantua,). Other researchers have shown that hatcheries, in some cases, may produce more fish, but the total productivity of wild and hatchery fish returning from the ocean did not increase salmonid productivity.

The condition of depleted early winter wild steelhead runs has been played out on most western Washington Rivers as most have been subject to similar hatchery practices and harvest management. Some of the major rivers, in addition to those in the Quillayute System that had strong early runs in the 1950's include the Chehalis, Cowlitz, Elwah, Green, Hoh, Lewis, Naselle, Puyallup, Queets, Quinault, Satsop, Sauk, Skokomish, Skykomish, Snohomish, Snoqualmie, Stillaguamish, Toutle, Wenatchee, and the Yakima Rivers (WDG, Bulletins, 1956, 1956).

Recovering the early runs on Washington Rivers will increase wild steelhead abundance and productivity. This will further improve their life history and genetic diversity and improve their resilience to stochastic events (unusual events such as floods, summer drought, landslides, etc) and man caused environmental changes. Without a broad range of spawning times, steelhead are vulnerable to run depression due to single year or long term events. The loss of the early runs is one of the reasons that wild steelhead have declined in abundance throughout Washington. Maintaining unnecessary hatchery production on top of wild stock fisheries will continue the decline of the few remaining healthy stocks and harm the efforts now being made to recover listed stocks.

Many other studies have shown that introgression and the spawning of hatchery fish can reduce the population fitness, overall health and productivity of wild fish. These studies show the need to control hatchery fish production and their spawning in the wild. The soundest biological and economic answer to this issue is to reduce hatchery production to fisher needs, not increase production and/or catches and create larger needs that continue to exacerbate the problem of recovering and managing wild fish. WDFW states they have agreements with the tribes to maintain the excess production of hatchery fish that occurs today. After the Boldt decision the WDG apparently negotiated with certain Puget Sound tribes a higher harvest of the early hatchery fish for a lower harvest of wild fish later in the season. This agreement did not take into account the run timing importance of the early runs, which were being depleted and replaced by large hatchery runs. Because the early runs were already largely reduced, the parties believed the lion's share of the wild run returned later in the season. Today, this agreement is not working or valuable to wild fish management as the tribes take their share of the hatchery stocks and more than 50% of the wild runs on the Olympic Peninsula (the tribes are presently taking about 80% of the harvest on the Queets River,

67% of the harvest on the Hoh River, and exceeding 50% on the Quillayute River). To help in the recovery of wild fish and maintain and improve healthy runs, I recommend:

1. Reduce hatchery production to meet the actual needs of fishers. This will reduce wild fish mortality during December and January and help to rebuild all runs during the early season.
2. Allow only catch and release fisheries for wild steelhead and barbless hooks for all fisheries during December and January to allow the rebuilding of the wild steelhead stocks during this period
3. Follow the Hatchery Science Reform Group's recommendations for steelhead hatchery reform to minimize further impacts on wild steelhead.

**Staff Recommendation:** Adopt as proposed. *Note: this rule should take effect April 1, 2006, to match up with the annual time periods for licenses and Catch Record Cards.*

**Commission Action:** Proposal was not adopted.

## Region 1

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### #10. Upper Spokane River Catch-and-Release Fishery

**Proposal:** Currently there is a catch-and-release fishery for game fish in the upper Spokane River (from the Upriver Dam to the Idaho state line) from June 1 - Oct 31. This proposal would extend the end date of this fishery to March 15. The fishery would continue to have selective gear rules, and fishing from a boat equipped with a motor would still be allowed.

**Explanation:** This proposal expands the catch-and-release fishery through the winter to March 15, allowing more opportunity for anglers, while still leaving the upper river closed from March 16 – May 31 to protect spawning trout.

**Testimony:**

Conservation Committee of the Washington Fly Fishing Club supports proposal.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

### #11. Spokane River Fishing Boundary Modification

**Proposal:** Modify the lower section boundaries of the river to become (bold type shows changes):

- 1) From mouth to **the upstream boundary of the Plese Flats Day Use Area (Riverside State Park)**, except Long Lake, formed by Long Lake Dam (see also Long Lake (Spokane Co.),
- 2) **From the upstream boundary of the Plese Flats Day Use Area (Riverside State Park)** to Monroe Street Dam

**Explanation:** Nine Mile Reservoir extends to Plese Flats about 1 mile upriver from the Seven Mile Bridge (SR 25 Bridge), – a current regulation boundary on the Spokane River. Selective gear rules in the current boundary area from Seven Mile Bridge to Monroe Street Dam prevent anglers from using motorized boats on the entire length of the 9-Mile reservoir. This section of the river has limited bank access, so allowing boats with motors to access this stretch of the river would increase use. The change in the rule would make WDFW fishing regulation boundaries consistent with Spokane County boat motor regulations on the river. Spokane County Municipal Code 6.03.090 reads, “No motorized watercraft above Plese Flats Day Use Area.”

**Testimony:**

Conservation Committee of the Washington Fly Fishing Club supports proposal.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#12. Apply Snake River Rules for Game Fish to Palouse River**

**Proposal:** Change the daily limit and minimum size rules for game fish on the Palouse River (mouth to Palouse Falls) to match those of the Snake River.

**Explanation:** The Snake River rules for trout, bass, channel catfish, walleye, and sturgeon differ from the statewide rules for these fish. In most cases Snake River rules are more liberal. That means that an angler who has retained a daily limit of one of these species from the Snake River may not fish in the Palouse with the fish in their possession. Making the limits the same would clear up confusion for anglers who wish to use Palouse River boat launches and park facilities and would like to fish in the Palouse River after retaining fish from the Snake.

**Testimony:** None.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#13. Daily Limit for Eastern Brook Trout in Pend Oreille Watershed Streams**

**Proposal:** Expand the daily limit for Eastern brook trout in streams in the Pend Oreille watershed from 5 fish to 10 fish (no more than 2 trout of other species may be retained). Once an angler has retained 2 trout other than brook trout, the entire trout daily limit has been taken. Streams affected would include: Le Clerc Creek and tributaries, Sullivan Creek and tributaries, Mill Creek and tributaries, Indian Creek and tributaries, Cedar Creek and tributaries, Tacoma Creek and tributaries, Calispell Creek and tributaries, Ruby Creek and tributaries, and Slate Creek and tributaries.

**Explanation:** The Pend Oreille River is in the Northeast Washington Bull Trout Recovery Unit as identified in the U.S. Fish and Wildlife Service Draft Bull Trout Recovery Plan. It is also within the Salmon Recovery Funding Board Pend Oreille Lead Entity area of concern for native salmonid recovery. Most of the above named drainages are listed as critical habitat in the Draft Recovery Plan and as high and medium priority watersheds for exotic fish species removal in the Lead Entity Strategy. This change will further the efforts to recover bull trout as well as help to gain public support for bull trout recovery. Chemical treatment of brook trout populations was presented as an option at two public meetings in 2004. This option was not well accepted, but other removal methods, such as angling, were.

**Testimony:**

Conservation Committee of the Washington Fly Fishing Club supports proposal. The King County Outdoor Sports Council supports the proposal.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#14. Bass Rules on Touchet River Forks**

**Proposal:** Currently, the Touchet River North Fork, South Fork, and Wolf Fork have special rules for bass (daily limit 5, no more than 3 over 15" may be retained). This proposal would change the bass rules to the statewide standard (no minimum size, only bass less than 12" or greater than 17" may be retained, daily limit 5, no more than one over 17").

**Explanation:** These areas do not support bass populations, so no special rules for that species are needed. This also removes the bass listing in the pamphlet for these river sections. Leaving it in may lead anglers to surmise that there are bass available for harvest in these areas when there really are not.

**Testimony:** None.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#15. Coffeepot Lake Rules – Three Proposals**

**Proposal 1:** Currently, the season on Coffeepot Lake (Lincoln County) closes September 15. This proposal would extend the season to close on September 30.

**Explanation 1:** This will allow anglers an additional 15 days at the end of the season, when water temperatures typically decrease, creating good fishing conditions.

**Proposal 1 Testimony:**

Conservation Committee of the Washington Fly Fishing Club supports proposal.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

**Proposal 2:** Currently the daily limit for trout is 2 trout, no minimum size. This proposal would change it to 1 trout, minimum size 18", and maintain selective gear rules (except motors allowed).

**Explanation 2:** Coffeepot Lake is managed as a trophy trout fishery. The proposed rule is intended to reduce harvest, which will increase catch rates, but still allow anglers to harvest one large trout.

**Proposal 2 Testimony:**

Conservation Committee of the Washington Fly Fishing Club supports proposal.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

**Proposal 3:** Currently, the daily limit for bass on Coffeepot Lake is "no minimum size, maximum size 14", daily limit 2". This proposal would change it to the statewide rule of



“no minimum size, only bass less than 12” or greater than 17” may be retained, daily limit 5, no more than one over 17.

**Explanation 3:** Coffeepot Lake is also managed as a trophy fishery for bass. The proposed rule is intended to grow larger bass and make the bass rule consistent with other lakes statewide.

**Proposal 3 Testimony:**

Conservation Committee of the Washington Fly Fishing Club supports proposal.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#16. Horseshoe Lake Kokanee Bonus Limit**

**Proposal:** Currently, Horseshoe Lake (Pend Oreille County) has a daily limit of 5 other trout, plus a bonus limit of 5 kokanee. This proposal would change the kokanee bonus limit to 10 fish.

**Explanation:** Currently, kokanee in this lake are small compared to national standards, which may indicate a lack of food. Spawning habitat for kokanee was limited in the past to a few hundred feet of Buck Creek at the north end of the lake because upstream habitat was blocked by an impassable road culvert. This culvert is being replaced with a bridge this year, opening up another kilometer of spawning habitat. This should significantly increase the kokanee population. Allowing anglers to take a larger number of these fish will help control the population size and maintain desirable-sized fish for the fishery.

**Testimony:** None.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#17. Sullivan Lake Kokanee Bonus Limit**

**Proposal:** Currently, Sullivan Lake (Pend Oreille County) has the standard daily limit of 5 trout, all species combined. This proposal would allow anglers to take 2 trout of other species, plus a bonus limit of up to 10 kokanee.

**Explanation:** The kokanee population in this lake was monitored from 2002-2004 by spawning run trapping, with a hydroacoustic survey performed in 2003. Results indicate that the population is increasing dramatically (from 3,498 in 2002 to 14,125 in 2004), which may soon result in smaller, less desirable fish in the fishery. High numbers of fish also often affect the number of eggs each female carries, reducing the utility of this population as an egg source. Allowing anglers to keep up to 10 kokanee may help stabilize the population at a lower number, producing fewer, higher-quality fish. The decrease in the limit for other trout protects the native westslope cutthroat population in the lake, while focusing most of the angling effort on kokanee.

**Testimony:** None.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#18. Roosevelt Lake Rules – 4 Proposals**

**Proposal 1:** Currently, statewide rules allow common carp to be taken with a spear or a bow and arrow. This proposal would not allow this practice in Roosevelt Lake.

**Explanation 1:** As part of the Lake Roosevelt National Recreation Area, pursuing carp with a bow and arrow in the lake is not permitted by federal law. This proposal will bring state rules into alignment with federal rules for this lake.

**Proposal 1 Testimony:** None.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

**Proposal 2:** Currently, chumming for game fish is allowed on Roosevelt Lake. This proposal would eliminate this allowance.

**Explanation 2:** Prior to 2003 chumming was not allowed on Lake Roosevelt. During the last major sportfishing regulation change cycle a citizen proposed allowing chumming on Banks Lake and Rufus Woods Lake, or elimination of chumming statewide. Through internal agency review and the extended public proposal process this chumming proposal was inadvertently extended to include allowance for chumming on Lake Roosevelt. A regulation to allow this action was subsequently approved by the Washington State Fish and Wildlife Commission. An allowance of chumming within a national recreation area is not permitted. This proposed regulation change would align state and federal regulations on Lake Roosevelt.

**Proposal 2 Testimony:**

Conservation Committee of the Washington Fly Fishing Club supports proposal.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

**Proposal 3:** Roosevelt Lake currently has the statewide rule for bass (no minimum size, only bass less than 12" or greater than 17" may be retained, daily limit 5, no more than one over 17"). This proposal would change the daily limit to 10 bass, with no minimum size, and only one of which may be greater than 14" for smallmouth bass (largemouth remains unchanged).

**Explanation 3:** Long-term studies and annual surveys indicate that the population of smallmouth bass is large and may be increasing. The proposal will allow an increased harvest of abundant smallmouth bass, reducing the population, and increasing the size

of individual fish, providing a more desirable fishery. Studies indicate that predation by bass may be limiting the recruitment of forage fish species in the lake.

**Proposal 3 Testimony:** None.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

**Proposal 4:** Currently, the rule for walleye in Lake Roosevelt is “daily limit 5, no more than 1 over 18” may be retained. This proposal would change the limit to “daily limit 8, no more than 1 over 22” may be retained.”

**Explanation 4:** Long-term studies and annual surveys indicate a substantial population of walleye and decreasing populations of forage fish species. Current regulations preclude the harvest of adequate numbers of available walleye. Studies indicate that predation from this species could be limiting recruitment of forage fish species and stocked salmonids in the reservoir.

**Proposal 4 Testimony:** None.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#19. Trout Rules for Selected Southeastern WA Lakes**

**Proposal:** Change the trout rules in several lakes in SE Washington from the statewide standard (5 fish, no minimum size) to 5 fish, no more than 2 over 13”. Lakes affected would be Curl Lake (Columbia Co.), Watson Lake (Columbia Co.), Deer Lake (Columbia Co.), Blue Lake (Columbia Co.), Rainbow Lake (Columbia Co.), Spring Lake (Columbia Co.), Dayton Pond (Columbia Co.), West Evans Pond (Asotin Co.), Golf Course Pond (Asotin Co.), Bennington Lake (Walla Walla Co.), Lions Park Pond (Walla Walla Co.), Fish Hook Park Pond (Walla Walla Co.), Quarry Pond (Walla Walla Co.), and Jefferson Park Pond (Walla Walla Co.).

**Explanation:** These lakes are all stocked with a few hundred jumbo trout each year. Many anglers high-grade their fish to keep 5 large “jumbo” trout for their daily limit. Changing the regulation as proposed would reduce the number of dead (released) fish floating on the ponds and improve distribution of “jumbo” trout to more anglers, as well as keep large fish in the pond longer during the season.

**Testimony:**

Conservation Committee of the Washington Fly Fishing Club supports proposal.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## Region 2

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### #20. Chewuch River Catch-and-Release Fishery

**Proposal:** Currently, the Chewuch River (Okanogan County) from the mouth to Eight Mile Creek is open to a catch-and-release fishery for game fish June 1 – September 30, with selective gear rules. This proposal would change the ending date of this fishery to August 15. *Note: December 1 – March 31 whitefish fishery remains unchanged.*

**Explanation:** The earlier closing of this fishery is necessary to protect a critical spawning area for an endangered chinook stock. It has been requested by NOAA Fisheries as part of WDFW's permit to allow fishing in this area.

**Testimony:**

Methow Valley Fly Fishers agree wholeheartedly that these changes will enhance fishing in the Methow Valley as well as provide some necessary conservation measures.

Conservation Committee of the Washington Fly Fishing Club supports proposal.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

### #21. Methow River Catch-and-Release Fishery

**Proposal:** This proposal would expand the area of the catch-and-release fishery on the Methow River. Proposed areas and dates would be:

Mouth to County Road 1535 (Burma Road) bridge – December 1 – March 31; whitefish only (whitefish gear rules).

County Road 1535 (Burma Road) bridge to Foghorn Dam – June 1 – September 30, All Game Fish - catch-and-release and selective gear rules. December 1 – March 31; whitefish only (whitefish gear rules).

Foghorn Dam to Weeman Bridge- June 1 – August 15, All Game Fish - catch-and-release and selective gear rules. December 1 – March 31; whitefish only (whitefish gear rules).

Weeman Bridge to falls above Brush Creek- December 1 – March 31; whitefish only (whitefish gear rules).

**Explanation:** The upper river closure to everything but the winter whitefish fishery is necessary to protect a critical spawning area for an endangered chinook stock. It has been requested by NOAA Fisheries that we retain this closure as part of WDFW's permit to allow fishing in this area.

The lower river was originally closed to protect steelhead and chinook. In applying to NOAA for a new permit for this fishery, we were able to negotiate an expansion of the area for the catch-and-release fishery to allow anglers more access to a population of large resident trout.

**Testimony:**

Methow Valley Fly Fishers agree wholeheartedly that these changes will enhance fishing in the Methow Valley as well as provide some necessary conservation measures.

Conservation Committee of the Washington Fly Fishing Club supports proposal.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#22. Twisp River Catch-and-Release Fishery**

**Proposal:** Currently, the Twisp River (Okanogan County) from the mouth to War Creek is open to a catch-and-release fishery for game fish June 1 – September 30. This proposal would change the ending date of this fishery to August 15. *Note: The area from War Creek to the South Fork Twisp remains closed waters.*

**Explanation:** The earlier closing of this fishery is necessary to protect a critical spawning area for an endangered chinook stock. It has been requested by NOAA Fisheries as part of WDFW's permit to allow fishing in this area.

**Testimony:**

Methow Valley Fly Fishers agree wholeheartedly that these changes will enhance fishing in the Methow Valley as well as provide some necessary conservation measures.

Conservation Committee of the Washington Fly Fishing Club supports proposal.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#23. Crab Creek Daily and Possession Limits**

**Proposal:** Currently, Crab Creek (Grant/Lincoln Counties) including tributaries except Columbia Basin Hatchery Creek has a year-round season (except from Hwy 26 to Morgan Lake Road which has a March 1 – Sept 30 season and a closed waters area from Morgan Lake Road to O'Sullivan Dam. Two areas – 1) From Grant Co Rd 7 downstream to the fountain buoy and shoreline markers or 150' downstream of the Alder St Fill, and 2) from Moses Lake outlets (spillways) downstream to the confluence of the outlet streams require anglers to use only one single point hook ¾" or less measured point to shank from March 1-May 31. The rest of the creek is under statewide rules for daily and possession limits of game fish. This proposal would retain the

special gear rules in the areas described above, and apply the daily and possession limits from Potholes Reservoir to the area from Moses Lake outlets (spillways) downstream to the confluence of the outlet streams, and the daily and possession limits from Moses lake to the area from Grant Co Rd 7 downstream to the fountain buoy and shoreline markers or 150' downstream of the Alder St Fill.

**Explanation:** New regulation changes in the minimum sizes and daily limits are proposed for game fish species in Moses Lake and Potholes Reservoir (see proposals #29 and #30), and the rules are different from each other, and different from the statewide rules as well. The areas described above with the hook restriction cross the boundary between the lakes and the creek. This rule will make it clear which daily and size limits are intended for each area. Other areas of the creek will maintain statewide rules for gamefish size and daily limits.

**Testimony:**

Conservation Committee of the Washington Fly Fishing Club supports proposal.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#24. Entiat River Eastern Brook Trout Bonus Limit**

**Proposal:** Currently, the daily limit for trout in the Entiat River (Chelan Co) above Entiat Falls is the statewide standard of 2 trout with an 8" minimum size, except no size limit for brook trout, up to 5 brook trout may be kept. However, only 5 fish in total may be kept, and no more than two can be other than brook trout. This proposal would change the daily limit for trout in the Entiat River above Entiat Falls to: trout daily limit 5, only 1 may be greater than 12". Eastern brook trout are not included in the trout daily limit. Bonus limit of 10 Eastern brook trout. Once the 5 trout other than Eastern brook trout have been retained, the daily limit has been taken. Selective gear rules for all species.

**Explanation:** For reasons unknown at this time, bull trout do not inhabit the Entiat River above Entiat Falls. Because of this, anglers fishing for Eastern brook trout will not mistakenly catch and keep a bull trout. Problems occur when Eastern brook trout move downriver over Entiat Falls into the lower section, which is inhabited by bull trout. We are concerned about negative interactions between the two species. Most trout in the river above Entiat Falls are small; no more than 9 inches. Possible reasons are: 1) Year-round water temperatures above Entiat Falls may be cold enough that trout do not grow large; 2) Trout are very abundant in the upper river; it is possible that an inadequate food supply limits trout growth and 3) Our regulation "two over 8 inches" encourages the removal of larger trout from the population.

The proposed regulation change will: 1) remove excessive Eastern brook trout from this area; 2) reduce densities of all trout, thus providing more forage for the remaining fish and increasing growth; and 3) allow more of the larger fish to remain in the river.

**Testimony:**

Conservation Committee of the Washington Fly Fishing Club supports proposal.

The King County Outdoor Sports Council supports the proposal.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#25. Old Mill Stream – Closed Waters**

**Proposal:** Currently, Old Mill Stream (Chelan Co) is open to fishing under the statewide stream season of June 1- October 31. This proposal would close Old Mill Stream to fishing.

**Explanation:** Old Mill Stream is a small spring-fed 0.1 mile-long tributary of Lake Chelan located on private ground. During the last five years WDFW has, with permission from the landowner, constructed many instream and riparian habitat improvements designed to provide a nursery for cutthroat trout. Twin Lakes cutthroat fry and eyed eggs are stocked annually into the stream, where they rear for about two years. The fish then move to Lake Chelan, where they become available to sport anglers. This proposal would prevent anglers from harvesting cutthroat trout from Old Mill Stream prior to that migration into the lake fishery. The greatest benefit to the resource and anglers comes from using the stream as a rearing area only.

**Testimony:** None.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#26. Lake Chelan Kokanee Rules**

**Proposal:** This proposal would increase the bonus limit for kokanee in Lake Chelan from 5 fish to 10 fish.

**Explanation:** Lake Chelan's kokanee spawning escapement and population size have increased substantially in the last 6 years. Because the kokanee abundance has increased beyond optimum numbers, fish growth has slowed, and the fish are becoming smaller. The proposed rule change will allow anglers to harvest kokanee in surplus of spawning escapement needs, which should help to reduce population size, and allow for increased fish growth.

**Testimony:** None.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#27. Rufus Woods Lake Kokanee Rules**

**Proposal:** Currently the daily limit for all trout (including kokanee) in Rufus Woods Lake is 2. This proposal would add a bonus limit of 2 kokanee to the trout daily limit, so anglers could keep up to 2 kokanee, plus two trout of other species.

**Explanation:** Kokanee are moving into Rufus Woods Lake from Lake Roosevelt. This proposal would allow anglers additional harvest opportunity for these fish, along with trout of other species.

**Testimony:** None.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#28. Banks Lake Bass Rules**

**Proposal:** The current rules for bass in Banks Lake (Grant Co) are the statewide rules (no minimum size, only bass less than 12" or greater than 17" may be retained, daily limit 5, no more than one over 17"). This proposal would keep the statewide rule for largemouth bass, and create a new rule for smallmouth bass of daily limit 10, no minimum size, no more than one over 14".

**Explanation:** The current regulation works well for largemouth bass, but precludes the harvest of adequate numbers of smallmouth bass. Large numbers of smallmouth are found up to 14"; however, smallmouth over 17" are still relatively rare. Long-term studies and annual surveys indicate large and possibly increasing populations of smallmouth bass, especially smaller fish, while largemouth bass continue to exist at relatively low numbers. This regulation will encourage increased harvest of abundant smallmouth bass from this water, reducing their density.

**Testimony:** None.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#29. Moses Lake Rules for Bass, Crappie, Walleye, and Yellow Perch**

**Proposal:** This proposal would change the size and daily limits for several game fish species in Moses Lake. Proposed changes are:

- 1) Bass – Current rule is no minimum size, daily limit 5, no more than 3 over 15" may be retained. Proposed rule is to return to the normal statewide limit for largemouth bass (no minimum size, only bass less than 12" or greater than 17" may be retained, daily limit 5, no more than one over 17"). Smallmouth bass would have a separate limit of 10 fish with no minimum size, and no more than 1 over 14" may be retained.
- 2) Crappie – Current rule is daily limit 5, minimum size 10". Proposed rule is daily limit 10, minimum size 9".
- 3) Walleye – Current rule is daily limit 5, minimum size 18", no more than 1 over 24". Proposed rule is daily limit 8, minimum size 12", no more than 1 over 22".
- 4) Yellow Perch – Current rule is no minimum size or daily limit. Proposed rule is daily limit 25, no minimum size.



**Explanation:**

- 1) The statewide bass rule will provide protection for the sizes and ages of largemouth bass most vulnerable to fishers and will standardize their limits with those of near-by Potholes Reservoir, and other lakes statewide. However, the statewide rule does not allow sufficient harvest of smallmouth bass, which continue to increase in number. The new smallmouth rule will increase the harvest of smallmouth bass, particularly the smaller fish.
- 2) Crappie numbers are on the rise; however, many are lost due to natural mortality before the current 10" minimum size is attained. Reducing the minimum size slightly will allow increased harvest of crappie that are now lost to natural mortality.
- 3) This proposal will allow increased harvest of walleye and reduce walleye density in general. Long-term studies and annual surveys indicate large and possibly increasing populations of walleye. Current exploitation is only a fraction of natural mortality in all age classes. Large numbers of walleye in these waters have been identified as a major deterrent to recruitment of other game fish species.
- 4) Yellow perch recruitment has been sporadic in the face of natural (fish and avian) predation, and harvest should be curtailed to promote recruitment and protect the remaining broodstock.

**Testimony:**

We should not reduce the legal length of walleye to the proposed 12 inches and we should not increase the limit to 8 fish per day. Walleye are a prime game fish of our state and we should not exploit them to extinction. We should preserve them and keep the present length limit of 18 inches and the 5 fish total each day.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

**#30. Potholes Reservoir Rules for Bass and Walleye**

**Proposal:** Currently Potholes Reservoir (Grant Co) has statewide rules for bass (no minimum size, only bass less than 12" or greater than 17" may be retained, daily limit 5, no more than one over 17") and walleye (minimum size 16", daily limit 5 – no more than one over 22" may be retained). This proposal would retain the statewide rule for largemouth bass and change the rule for small mouth bass to: no minimum size, daily limit 10 - no more than 1 over 14". It would also change the rule for walleye to: minimum size 12", daily limit 8 - no more than one over 22".

**Explanation:** Long-term studies and annual surveys indicate large populations of walleye. Current exploitation is only a fraction of natural mortality in all age classes. Since adult walleye eat other fish, large numbers of walleye in these waters have been identified as a major deterrent to recruitment of other game fish species. Smallmouth bass continue to increase, especially smaller fish, while the largemouth bass population appears stable under statewide rules. The statewide rule affords good protection for largemouth, but does not allow sufficient harvest of smallmouth bass. This proposal will allow increased harvest of walleye and smallmouth bass, and reduce walleye density in

general and smallmouth density of smaller fish. It will also standardize most other species with near-by Moses Lake, to reduce confusion among anglers.

**Testimony:**

We should not reduce the legal length of walleye to the proposed 12 inches and we should not increase the limit to 8 fish per day. Walleye are a prime game fish of our state and we should not exploit them to extinction. We should preserve them and keep the present length limit of 18 inches and the 5 fish total each day.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

### **#31. Spectacle Lake Season**

**Proposal:** The current season on Spectacle Lake (Okanogan Co) is March 1 – July 31. This proposal would change the season to April 1 – September 30.

**Explanation:** Spectacle Lake is often still partially frozen in March, which limits access to the lake (ice is too thin to walk, but too thick for bank fishing). Adjusting the season to later in the year should allow anglers more fishing time on this lake.

**Testimony:**

Conservation Committee of the Washington Fly Fishing Club is ambivalent – would prefer a March 1 to 30 September season.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

### **#32. Sprague Lake Walleye Rules**

**Proposal:** The current daily limit for walleye in Sprague Lake (Adams/Lincoln Co) is 5 fish, minimum size 16", no more than one over 24". This proposal would change the daily limit to 8 fish, minimum size 12", no more than one over 22".

**Explanation:** Long-term studies and annual surveys indicate a large and possibly increasing population of walleye. Current exploitation is only a fraction of natural mortality in all age classes. Since adult walleye primarily eat other fish, large numbers of walleye have been identified as a major deterrent to recruitment of other game fish species.

**Testimony:** We should not reduce the legal length of walleye to the proposed 12 inches and we should not increase the limit to 8 fish per day. Walleye are a prime game fish of our state and we should not exploit them to extinction. We should preserve them and keep the present length limit of 18 inches and the 5 fish total each day.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## Housekeeping Change – Ping Pond

**Proposal:** Change the reference to Oasis Park Pond (Grant Co) in our rules to read “Ping Pond”. All other rules for the pond remain unchanged.

**Explanation:** This man-made pond is located within the city limits of Ephrata. The City has changed the name of the pond to honor Mr. Ping, who was instrumental in the creation of the pond and its associated fishing derby.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## Region 3

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### #33. Yakima River Bass Rule

**Proposal:** The current rule for bass in the Yakima River from the mouth (Highway 240 Bridge) to Granger (Highway 223 Bridge) is no daily limit, no minimum size, only bass less than 12" or greater than 17" may be retained, no more than one over 17". This proposal would change the rule to: no daily limit, no minimum size, only three bass over 15" may be retained.

**Explanation:** Fall chinook salmon populations are declining in the Yakima River. Predation by bass on rearing and out-migrating juvenile fall chinook is a major contributor to their decline. Recent changes in fall chinook spawning distribution and smallmouth bass population structure are making the predation problems worse. The proposed rule should increase harvest on the extremely dense smallmouth bass population by allowing more smaller fish to be kept. It also standardizes the rule for bass over 15" in length with the Columbia River.

**Testimony:**

Conservation Committee of the Washington Fly Fishing Club supports proposal.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

### #34. Yakima River Closed Waters Rule - Housekeeping

**Proposal:** Clarify the rules to state that the area from Prosser Dam to 400' downstream is closed waters.

**Explanation:** Statewide general rules state that fishing is not allowed within 400' downstream of a man-made dam. However, the freshwater exceptions to statewide rules for the Yakima River list fishing rules in the section "from the mouth to Prosser Dam". This proposal will change that rule listing to "from the mouth to 400' below Prosser Dam" to clear up the conflict between the two rules.

**Testimony:**

Conservation Committee of the Washington Fly Fishing Club supports proposal.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## Region 4

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### #35. Canyon Creek Closed Waters

**Proposal:** Currently Canyon Creek, a tributary to the NF Nooksack River, is open June 1- October 31, with statewide rules. This proposal would close to fishing the portion of Canyon Creek from its mouth to the Canyon Creek Road Bridge at RM 5.5.

**Explanation:** This proposed closure is intended to protect ESA-listed spring chinook and native char during their spawning periods. Low water flows in the lower section of Canyon Creek impair fish passage upstream, leaving the fish vulnerable to disturbance by anglers and poachers. Canyon Creek provides essential spawning habitat for spring chinook and native char.

**Testimony:**

Conservation Committee of the Washington Fly Fishing Club supports proposal.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

### #36. Cedar River Fishery

**Proposal:** Currently, the Cedar River (King County) from the mouth to Landsburg Road Bridge is open to a catch-and-release fishery for game fish from June 1- August 31 with a night closure and selective gear rules. This proposal would split this area into 2 sections, allowing anglers to retain two trout per day between 10 and 16 inches in the lower section from the mouth to the State Highway 18 Bridge, and continuing the catch-and-release fishery in the upper section from the State Highway Bridge to the Landsburg Road Bridge. Selective gear rules and a night closure would still apply to each section, and the season would remain June 1- August 31. Upstream of the Landsburg Road Bridge would remain closed waters.

**Explanation:** The Cedar River trout population is very healthy, estimated to have a standing population over 10,000 exceeding eight inches. In 2004 a rule was adopted to provide a catch and release fishery only, following a ten-year closure of the river.

**Testimony:** Washington Trout (WT) continues to support WDFW's conservative management of fisheries for wild winter steelhead in PS river systems. The closure of steelhead fisheries to conserve spawning populations is an appropriate if unfortunate response to chronic under-escapement in most PS steelhead populations. However WT is concerned that the catch-and-release fishery in the Cedar River is potentially compromising the conservation and recovery of wild Cedar River steelhead, and is inconsistent with current management practices to conserve *O. mykiss* spawning populations in other PS watersheds. During the current major regulation cycle, WT recommends considering a permanent closure of the Cedar River June 1- August 31 fishery, effective with the beginning of the 2006 season. We also recommend the department institute an emergency closure for the remainder of the 2005 season. WT has reviewed the Progress Report (*Genetic relationships among anadromous and non-anadromous Onchorhynchus mykiss in Cedar River and Lake Washington* –

*implications for steelhead recovery planning*, by Marshall, Small, and Foley) submitted to the Cedar River Anadromous Fish Committee and Seattle Public Utilities, dated June 2004. The authors are WDFW staff, and include 2 members of the WDFW Genetics laboratory in Olympia.

The report provides significant information supporting the hypothesis that *O. mykiss* exhibiting resident life histories in the Cedar River downstream and upstream of the fish passage barriers at Landsburg Dam contribute to the production of progeny to the anadromous life history form of *O. mykiss*. This contribution may be direct, in cases in which matings between resident or anadromous males and resident females produce progeny that become outmigrant smolts, or indirect, in cases in which matings between resident males and anadromous females produce smolts. The results of the assignment tests reported on pp. 11-12 and summarized in Table 7 of the report are consistent with all these scenarios. The assignment of 4 of 16 genotypic *O. mykiss* smolts sampled from the Cedar River outmigrant smolt trap to the below-Landsburg resident population is particularly important.

WDFW opened the catch-and-release fishery in response to a proposal to open a harvest fishery for resident rainbow and cutthroat. In the *Concise Explanatory Statement Regarding 2004-2005 Sportfishing Rule Proposals* (March 2004), WDFW calls the Cedar resident trout population “abundant” but expresses concern that subjecting it to a harvest fishery would create undue risk to the anadromous component of the Cedar River *O. mykiss* population:

“Studies are on-going to learn the density of resident trout in the system as well as the interaction between the rainbow and steelhead population. Current thinking is that the two groups are just one population with fish exhibiting different life histories. At least in some parts of the species range the resident portion of the population have produce (sic) anadromous smolts. Until more is learned about this interaction, a significant reduction in the resident part of the population may create a risk to the steelhead population.”

At the time, WT expressed concern that opening a C&R fishery was inconsistent with the above statements. WDFW acknowledges that a “significant reduction” in the resident population would impose an unacceptable risk to the anadromous population, but it provides no specific management proposals to identify an impact threshold that would risk a “significant reduction” in the resident population or how fishery related impacts would be monitored or evaluated. In any event, the results presented in Marshall et al appear to provide credible information about the interaction between resident and anadromous *O. mykiss* in the watershed, presenting specific evidence to support the “current thinking” that a healthy, productive resident Cedar River rainbow population may be essential for the recovery of the Cedar River steelhead.

While the results presented in the Progress Report are tentative and clearly indicate the need for further study and larger sample sizes, they are none the less robust regarding the conservation implications for Cedar River steelhead. Uncertainties associated with the results reported by Marshall et al provide no valid reason for discounting much less for ignoring their significant conservation implications. In fact any uncertainties associated with the suggested important relationships between resident and anadromous Cedar River *O. mykiss* should urge caution in managing mortality impacts

or other angling-related stress on resident trout in the river, particularly when anadromous escapements are significantly depressed.

As you are aware, the abundance of anadromous *O. mykiss* in the Cedar River has been severely depressed since the 2000 brood year with total escapements to the entire Lake Washington system of fewer than 50 individuals for all five years from 2000-2004 (WDFW SASSI update, 2002) considerably below the nominal escapement goal of 1600. The aggregate Lake Washington winter stock of which the Cedar River population is the dominant component is presently classified as Critical by the Department. It is also worth noting that SASSI classified the usefulness of the escapement data for rating the status of the stock as excellent.

Even under the best of circumstances catch-and-release angling will result in some mortality, in the range of 5% of all encounters. During the fishery, when the instream Cedar River flows will generally be low and when water temperatures commonly exceed 62° F, catch-and-release mortality can exceed 10%. The stress associated with catch-and-release may impair reproductive effort and success of fish, particularly fish that experience multiple encounters. Angling directed at resident adults will also regularly encounter juvenile rainbow, many otherwise destined to become anadromous smolts. Juveniles will suffer levels of mortality equal to or greater than those estimated for adults.

Three things are clear:

- It appears that resident *O. mykiss* provide an increasingly important contribution to the productive capacity of the Cedar River steelhead population.
- Spawning escapements of anadromous *O. mykiss* in the Cedar are and have been critically depressed.
- Angling pressure is imposing some mortality impacts on the resident population.

Given the department's stated aversion to a significant reduction in the resident population from fishery impacts, and its acknowledgement of the three factors listed above, it should have defined what it considered a significant reduction, set specific impact thresholds, and developed a monitoring plan adequate to evaluate the performance of the fishery, relative to the thresholds, including surveys of angler effort, resident spawning activity, and resident-population size and distribution. In the March 2004 *Concise Explanatory Statement*, WDFW characterizes the Cedar River resident trout population as "abundant," but it provides no information to support that assertion. While the Cedar River may have potential for a "quality fishery," the stakes for the native fish populations in the watershed are high; WDFW cannot afford to punt here. WDFW cannot responsibly manage the Cedar River for wild steelhead recovery and conservation, and conduct a fishery for resident trout without at least very intensive and specific management provisions.

However, the current incomplete understanding of the mechanics and dynamics of the population interactions between resident and anadromous *O. mykiss* creates a more difficult obstacle to responsible management of a resident trout fishery in the Cedar. It is not known what level of interaction or relative abundance between the populations is optimal for various conditions, but it may be assumed that very low densities of anadromous spawners may require higher potential for contribution from a sympatric resident population. It is not understood what environment or ecological factors contribute to the development of anadromy in resident progeny, or to the level of

spawning interactions between resident and anadromous populations. What parameters will WDFW measure to determine a threshold for resident rainbow abundance capable of providing potential for steelhead recovery in the Cedar?

The Cedar River catch-and-release fishery appears to be inconsistent with other WDFW management priorities in the Puget Sound basin. The closure of catch-and-release fisheries targeting adult winter steelhead during March and April is intended to eliminate fishery impacts on Puget Sound steelhead populations projected to gather less than 80% of their wild escapement goal. That intention is significantly compromised by allowing even limited fishery impacts on the resident component of the Cedar River *O. mykiss* population, while spawning escapement of the anadromous component is currently about 3% of its goal.

Many other streams and rivers in the Puget Sound region are open for resident trout fishing during the summer, some under harvest regulations, including rivers and streams closed to all steelhead angling in March and April to protect anadromous spawners. Wherever wild steelhead escapement or productivity is depressed, particularly to levels that require steelhead angling closures, WDFW should seriously consider implementing more conservative angling regulations relative to resident *O. mykiss* fisheries. But in this case, WDFW has specific information linking the conservation and recovery of the anadromous and resident components of the Cedar River *O. mykiss* population, and the Cedar anadromous spawning population is at critically low levels. Anecdotal evidence suggests that angler effort for resident *O. mykiss* is significantly higher on the Cedar than on rivers like the Skykomish, mainstem Snoqualmie, Stillaguamish, or Nooksack, resulting in higher overall mortality impacts. On the Cedar, WDFW has every justification and responsibility to act as conservatively as possible.

We support the continuation and expansion of the research initiated by Anne Marshall and colleagues as an essential contribution to any plan to preserve and recover Cedar River and Lake Washington winter steelhead. However, such research will bear the greatest fruit if other activities sponsored or supported by WDFW do not compromise the continued existence and the recovery of the Cedar River *O. mykiss* anadromous life history.

The current rainbow trout fishery on the lower Cedar River does not support recovery of anadromous *O. mykiss*. The effects of angling encounters under current circumstances can be expected to have a harmful impact on the survival and recovery of Cedar River steelhead. WT respectfully urges WDFW to change the current regulation and eliminate all fishing impacts on Cedar River *O. mykiss*.

Thank you for your timely consideration. WT would accept and appreciate the opportunity to meet with you or other relevant WDFW staff to discuss these issues, but we would at minimum request a written response. If you have questions, please contact me or my staff. Letter from Kurt Beardslee – Executive Director, Washington Trout. (Received too late to be included as a regulation proposal, but included as a comment on rule change proposals).

Having fished the river the last 2 seasons I feel the two fish limit would be a serious mistake. This river is producing one of the only true quality trout rivers on the west side. I hope this river is kept solely catch-and-release. After being closed 9 years, any



retention regulation would result in total fish reduction that would lead to future closures. Having witnessed the amount of poaching occurring with the catch-and-release rule, one could only imagine the increase in poaching that could happen if a slot limit is imposed. I hope the Cedar is viewed as a 9-year experiment gone right and that more streams in this state would follow its lead.

From all reports the catch-and-release fishery the last 2 years has been a success. I would have to question why would the Agency/Commission wish to move from a winning program? The fact that the system supports a “healthy” population doesn’t lead to the necessity of providing a harvest fishery. The current C&R fishery has provided a unique quality fishery in close proximity to a large population. That itself should be adequate reason to retain this fishery.

In addition, the proposed slot limit flies in the face of the Stream Management Strategy used by the agency for the last 20 years. The strategy calls for protection of wild trout populations by using minimum size limits that insure that the majority of the females survive to spawn at least once. In most western WA streams rainbow trout reach maturity between 12 and 14 inches. The proposal explanation does not provide any rationale as to why varying from that strategy is appropriate for the Cedar – do the Cedar fish mature at a smaller size?

It is likely that resident fish in the Cedar would take 2-3 years to grow through the slot limit – which would make the slot limit act very much like a 10” minimum size limit. First-time spawning females would not be protected and there would be a severe reduction in the number of quality (large) fish in the resident population. There would likely still be large lake-run fish, but not the summer-long stream resident fish.

The proposal and its explanation flies in the face of the explanation WDFW provides for proposal #68 – restricting the fishery on the Puyallup and Nisqually rivers to protect the resident rainbow population. In those basins the wild steelhead populations are very depressed and the agency argues that “ongoing research suggests that “resident” rainbow trout may, in fact, be a critical component of a steelhead population.” The 2003 SASSI stock report lists Cedar River steelhead status as critical (a change from “depressed” in 1992). SASSI shows the escapement of wild winter steelhead between 2000 and 2004 as consistently below 50 adults. This population is clearly in trouble. If the Cedar River resident trout population has even a remote chance of being a key component of this steelhead population, then this proposal makes little sense.

In short, given the Commission’s policy of protecting native wild salmonid populations this proposal is not supported. It doesn’t make biological or social sense. I do not support it and strongly urge the commission to give this proposal careful consideration and measure it against the yardstick of “Does it provide adequate protection of the wild Cedar River rainbow/steelhead populations?”

This proposal would complete this river’s return to mediocrity since opening last year in June. I fished over 22 days on the river last summer and could not believe the success of the ten-year closure. I couldn’t help but notice signs of poaching and the lack of any game official presence. I fished the river 20 days this summer and found it very mediocre in comparison to the first summer’s fishery, with big fish nowhere to be found. The Cedar River is a gem in our backyard. I can only hope that the people entrusted to

protect it will remember what hasn't worked and what has in the state's western rivers. The way I see it, without enforcement the Cedar River is already a catch-and-keep-river. (Two pictures enclosed of several filleted carcasses of large fish that were thrown back in the river).

Please record my opposition to a catch-and-kill fishery on the Cedar River. Given the presence of listed species as well as species of concern (i.e. steelhead), a catch-and-kill fishery would be irresponsible in my view.

I am very much opposed to this. It is near a huge population center and the pressure would be enormous for size and access for the 10,000 trout you say are in the river. You had to close the river for 10 years to get the population of fish where it is now. Please do not destroy those fish and have to close the river for another 10 years to rebuild the population of wild fish that are here.

The limit of 2 is unrealistic in the first place. There is no way the Dept could enforce that with the amount of people down here. There would be many within a couple of miles from the river catch 2 fish, go home and catch a couple more, etc, etc.

I am 65 and can remember when rainbows, cohos, and some really nice dollys and cuts were in the river. Over the years, the population of fishermen grew and the fish became endangered.

I urge you not to allow a fish kill and keep a really good sport fishery alive for us now and future generations to come.

It has come to my attention that there is a proposal under consideration to allow a daily retention of fish on the Cedar River. I am writing to ask you to not allow this rule to take place. The Cedar was closed for 10 years, then opened in 2004 and once again western WA had a great trout stream. This year, fishing was not as good as the year before. One reason, I believe, and saw evidence of, was poaching, particularly of the bigger trout. I also saw evidence of power bait.

If we allow the retention of 1-2 trout, it will soon go the way of other great western WA trout rivers. We need this river to remain catch-and-release, using barbless hooks, and preferably fly fishing only. We don't have to go to Idaho or Wyoming to find this kind of trout stream; it is here in the Cedar River. But it won't be long if we allow catch and kill on this great river. What we really need is more enforcement of the current rules. I was checked this year for both my barb and my license and was glad of it. But such a premier river needs to be protected from the type of illegal fishing I saw evidence of. I have all the confidence in the world of you and your fine Dept. and will abide by your decision, but I implore you to please consider keeping the Cedar River pristine, and a great habitat for native trout.

After being closed to the killing of fish the Cedar River fish have made a remarkable recovery in a metropolitan area. Why take a step backwards? I just hope I live long enough to see the consumptive attitude in this state disappear.

Conservation Committee of the Washington Fly Fishing Club strongly opposes. This is simply a bad idea. No evidence to support the change.

I have heard that the Cedar River may become a catch and keep fishery next year. I think this would be a tremendous mistake and would destroy a trophy fishery only thirty minutes from downtown Seattle. In terms of size, the twenty plus inch rainbows in the Cedar compare favorably to any river I have fished in Montana. If you begin a catch and keep fishery on the Cedar, these wild fish will be wiped out of the gene pool and the river will only hold immature trout. The Cedar is beginning to attract a loyal following of flyfishermen who engage in river cleanups, report poachers, and put money into the local economy. This urban fishery is a jewel for the catch and release fisherman and I mourn the loss of the large fish that would be decimated in one season. The catch and keep fishermen have plenty of options with all of the triploid lakes, please keep the Cedar as it is.

Members of the Cedar River Council (CRC) support the proposal. The CRC's mission is to improve the health of the lower Cedar River basin for fish and wildlife through actions that support programs and projects that will reduce flood hazards, protect and enhance fish and wildlife habitat, provide recreational opportunities and maintain high water quality and flows in the basin, while recognizing private property rights and the need for a viable economy. The CRC is comprised of elected officials from King County, the cities of Renton and Seattle, local residents of the basin and various stakeholder groups. We appreciate the state's consideration of allowing a harvest of rainbow trout and feel this is in line with our goals.

Many of the Council believe that one major threat to steelhead and chinook is the resident trout that have thrived under the decade-long ban on retaining them in the Cedar. It is believed that pressures from juvenile predation and habitat competition have contributed to the severe decline of these threatened fish species.

We agree with your explanation for the proposed change. The population is very healthy. WDFW population survey in 2003 estimated the population at nearly 1000 trout per mile that were 8" or larger. At the 95% confidence level the mean population was estimated at 17,000 trout from the mouth to Landsburg Dam. This is likely the highest density of trout for any river in the state, certainly on the west side. Prior to the closure to fishing in 1994 the river no longer had much of a trout population as evidenced by stream surveys. Preliminary data from Seattle Public Utilities supports the WDFW position that the resident trout population is healthy. During a dewatering operation at the Landsburg Dam water supply intake in spring 2005 over 500 trout were recorded. The fish ladder completed at Landsburg in 2003 allows adult trout to migrate upriver to utilize some 17 miles of spawning waters. Steelhead size resident trout have been photographed using the ladder.

The river had for a number of years been used for a put and take hatchery trout fishery, which no longer cost effective by the 1980's. Most hatchery plants suffered natural mortality by the time the trout season ended on Sept 1. It is hypothesized that the closure to sport fishing in 1994 resulted in a significant increase in the resident rainbow and cutthroat trout, which in turn coincided with a precipitous decline in wild steelhead.

This was likely due to competition and predation on juvenile steelhead by resident trout, which now in some cases have exceeded 8 lbs.

The CRC submitted a proposed rule change in 2003 for a limited retention fishery. WDFW and the commission chose to proceed cautiously and opted only for a catch-and-release selective fishery for the 2004-05 seasons. As the CRC anticipated, the adult steelhead run continues toward extinction. Unless the resident trout population is brought into balance, the once well-known Cedar River wild steelhead run will be gone. The \$12 million fish ladder at Landsburg was advanced primarily because of the steelhead. Now it appears that investment may have been for naught.

While some biologists have hypothesized that the resident trout could some day turn into steelhead, there is no evidence that this is happening on the Cedar. (See Salmon Recovery Science Review Panel report Dec 2004 for supporting opinion that discredits the theory that left to their own devices, enough Cedar River resident rainbows will become anadromous to produce a viable wild steelhead run. WDFW has taken this into consideration and agrees that a better balanced trout population is in the public interest. Trout predation impacts other species including ESA listed chinook. Considerable public funds have been expended to improve chinook habitat in the Cedar. Here again there has been a public policy disconnect where one policy seeks to benefit chinook while the other is at the expense of these salmon.

The Council hopes a carefully controlled catch and keep trout fishery will help address this issue, and that this enhancement of the fishery will increase local stewardship and awareness of the river's health.

We ask that the Fish and Wildlife Commission support the WDFW proposal which appears to be a reasonable compromise in that major segments of the river will either be retained as a fish sanctuary (above Landsburg) or be limited to catch-and-release (Landsburg – Hwy 18 bridge). Some reduction in the robust trout population is required before steelhead recovery can begin.

This letter is intended to register my opposition to the 2006 rule change proposal #36 in allowing a catch-and-keep trout fishery on the Cedar River.

I hold certification as a Fisheries Professional from the American Fisheries Society and have studied the complexities surrounding trout and salmon in Utah, Wyoming, Idaho, and Washington.

While I am a long time trout fisherman, and enjoy both catch and release and catch and keep fisheries throughout their range, I feel that this proposed rule change is premature for this river for several reasons.

First, it is inconsistent with WDFW and treaty Tribes' Wild Salmonid Policy which calls for conservation of genetic diversity, and management of the fisheries to support genetic conservation and ecological interactions of indigenous species. In the Cedar River, this includes cutthroat and rainbow trout.

Second, I am very concerned with the current situation affecting steelhead. As you know, a recent petition was filed with NOAA Fisheries to list Steelhead as threatened under the authority of the Endangered Species Act. While this may or may not be warranted, one thing is for certain, steelhead redds are at an all time low in the Cedar River (a dozen or so in 2005) and the only hope of recovering steelhead in the Cedar River will no doubt include indigenous rainbow trout. Recent work by WDFW geneticist

Anne Marshall provides evidence that rainbow trout in the Cedar River are related to Cedar River steelhead and not a result of stocking programs that discontinued in the 1980's.

Third, I believe that you have been misinformed regarding the abundance of trout in the Cedar River. To date, there has not been an appropriate or even credible census undertaken on the Cedar River to establish how many fish are there. There are some "back of the envelope" calculations that have been thrown around, and they are inappropriate for making a determination of the population size of rainbow trout for several reasons, most importantly that at least three of the assumptions were not met. First, no mortality associated with marking and handling. Second, equal probability of capture during marking and recapture. Third, that the population is "closed". The violation of these critical assumptions makes the "population estimates" that are floating around completely erroneous and call into question the professional conduct of "scientists" within the department.

Fourth, the opportunity to have a catch and release trout fishery in west of the Cascades is spectacular. I, along with MANY other Washingtonians travel great distances to fish for trout on quality waters, many of which are in neighboring Oregon and Idaho. All one needs to do is go to the Deschutes and take a look at the license plates in the coffee shop in Maupin. Washington already has a real shortage of "blue ribbon" streams, and by allowing a catch and keep fishery in this day and age you may be killing one off prematurely.

Fifth, I find it amazing that while this proposal is to allow retention of trout in the Cedar River, in the Puyallup you have just the opposite proposal on record (#68). In fact, it is even more ironic that the justification for the proposed change in the Puyallup is based on the possibility that rainbow trout may be related to steelhead, while this is a fact in the case of the Cedar River. When it comes right down to it, WDFW should offer the same protection when it comes to resources in the Cedar River.

Sixth, with regard to predation, keep in mind that the number of chinook that are eaten in the Cedar River has not been determined. Again, like much of the science in the population assessment, the data do not support the conclusions of a very FEW "scientists".

As far as I'm concerned, there should not be a catch and keep fishery in the Cedar River until credible science is done with respect to population size, trends, and monitoring the impacts of the catch and keep fishery. Please do not allow poor science and misguided advocacy to get in the way of resource management.

I am confident that after you review this proposal you will agree with my opinion that it is a poor decision to allow a catch and keep fishery on the Cedar River.

I favor a harvest fishery on the Cedar to reduce predation on depressed steelhead. There is no evidence that resident rainbow in the Cedar will become anadromous and restore the wild steelhead run.

This proposal and proposal #39 are the work of a few biologists who mistakenly believe trout predation is responsible for most salmon population declines within WRIA 8 or by a few lobbyists who want to have more fishing rear/boats/licenses sold. I strongly urge the commission to reject these two wayward proposals.

For many years several agencies have tried to show predation as the cause of lackluster sockeye returns. When chinook were listed they said predators were responsible. First on their hit list was bass in lakes, but they weren't eating enough salmon. The Muckleshoots accused yellow perch, if their predation estimates were right, there would not be a sockeye left in the entire system. Then bass in the Ship Canal were targeted. We have now moved on to blaming the wild native fish, cutthroat trout and rainbow/steelhead to be specific.

The WRIA 8 technical committee has reviewed this issue several times and has never identified predation as a significant problem for chinook (see WRIA 8 Limiting Factors Report 2002 and WRIA 8 Salmon Conservation Plan 2005). Actually, implementation of this rule may negatively impact chinook conservation/recovery efforts.

Rainbow/steelhead prey on sculpins, which are known predators of juvenile chinook – there are large numbers of sculpins in the Cedar River. Removing sculpin predators puts the system out of balance, likely increasing predation on chinook by a larger population of sculpins.

Most everyone has heard about Cedar River Steelhead being eaten by Hershel and his comrades at the Ballard Locks. Few people know that many of the factors of decline have been rectified, but the steelhead numbers in the Cedar are still severely depressed. Now that we have removed many of the impediments to steelhead recovery, we are about to start culling the base of the population, the resident rainbow trout. A WDFW report to the Cedar River Anadromous Fish Committee pointed out that conservation of resident *O. Mykiss* was an important part of recovering the native steelhead population. Rainbow and steelhead are different life history expressions within the same genetic population. Killing the rainbows will greatly hamper our ability to recover the steelhead life history. Also note proposal #68 takes the opposite stance, proposing only a catch-and-release fishery since rainbows are a necessary component to recovery of the Nisqually and Puyallup steelhead stocks. Finally, this proposal does not fit the intent of the Wild Salmonid Policy. It is a double insult since it is about predator control on a native species in a misguided attempt to boost the numbers of sockeye (a non-native species in this basin). Predator control does not work or does more harm than good. I implore you to reject these two misguided proposals.

The South King County Chapter of Trout Unlimited supports this proposal as written. This is a balanced proposal that partially addresses our concern for the dwindling numbers of native wild steelhead that spawn in the Cedar. At the same time it restores a very limited retention trout fishery and continues a popular Blue Ribbon catch-and-release fishery.

Since 2003 rainbow trout have been using a fish ladder constructed at Landsburg Dam to access more than 15 miles of pristine waters that are inside the city's watershed and closed to public access, providing a fish sanctuary. Significant numbers of trout have been moving up and downstream, including rainbow over 5 lbs. Construction of this \$11 million fish passage facility was accelerated to benefit steelhead, largely at the urging of TU's representative on the Cedar River Watershed Habitat Conservation Plan public involvement planning committee. The river was closed to fishing a decade ago to preserve and restore the steelhead run. Unfortunately, that closure had the unintended and unforeseen consequence of doing just the opposite, enabling the resident trout

population to expand rapidly. Competition and predation by resident rainbow and cutthroat trout have driven the steelhead run to near extinction, going in eight years from 600 spawners to less than 20. NOAA is expected to include the population in its pending listing of PS steelhead. Without this rule change, it is virtually certain that the Cedar River wild steelhead will go extinct. We, along with the Cedar River Council and others, proposed a limited retention fishery during the last major cycle. WDFW responded with a catch-and-release fishery. While this has been popular, the steelhead run continues to decline as the trout population remains robust, having the highest trout density of any river west of the Cascades.

Some argue that the native steelhead population chose to residualize in the river with nearly all of the juveniles becoming resident rainbow. There is no evidence to support this. Preliminary genetic work by WDFW shows Cedar River SH are more closely related to Green River wild steelhead than Cedar River rainbow. Some crossbreeding between steelhead and resident rainbows has occurred but the literature suggests crossbreeds are unlikely to become anadromous, further pushing the steelhead toward extinction. The Cedar River prior to 1917 was a tributary to the Green-Duwamish River. If a Cedar River supplementation program is pursued, Green River wild steelhead will be the likely source of brood stock. We do not expect NOAA to include rainbow trout with their ESA listing of steelhead – NOAA scientists have advised me that it is a management function of WDFW to protect the steelhead from excessive numbers of rainbow trout. I have discussed this proposal with a number of biologists and scientists and top-level managers. A lot of thought has gone into the proposal, including rigorous internal discussion and debate with science as the driver. I am a retired civil engineer with considerable science background and serve on the WRIA 8 Executive Steering Committee, Cedar River Council, Seattle Public Utilities Anadromous Fish Committee and other entities. Please approve this proposal as written.

I am writing to voice my opposition to this proposal. I believe it would put this excellent rainbow trout fishery in jeopardy. I have fished the Cedar the last 2 summers exclusively in the area of the proposed change. It is the finest rainbow trout fishery on the west side. I witnessed increased fishing pressure this year. This means increased fish kills (5% mortality on C&R fisheries). I have also seen evidence of poaching and violations of the selective gear rules. More protection, not less, is needed. This is not the time to loosen the rules. In fact, I suggest closing the Cedar to all fishing every 3<sup>rd</sup> or 4<sup>th</sup> year to allow it to recover. I also request additional patrolling to prevent further increases in violations of the current rules. Please protect the Cedar River and do not adopt this proposal.

Wild Steelhead Coalition opposes proposal. WDFW should wait until more information is available about the role of resident rainbow trout in the health of the Cedar River's wild steelhead population. Additionally, one WSC member and 3 other anglers wrote in support of the WSC position.

Save Our Fish Chapter of Puget Sound Anglers supports proposal. Many members enjoy catch-and-release fishing and have fished the Cedar the past 2 seasons. However, we advocate balanced fisheries management and believe this change

achieves that as it will diversify the fishery and accomplish some important conservation objectives. Our priority is conservation. Consequently, we applaud WDFW taking steps to save the nearly extinct Cedar River wild steelhead by reducing the numbers of trout that are adversely impacting these fish through predation and competition. This should be a priority for WDFW and the Fish and Wildlife Commission, given the pending listing by NOAA-F of Puget Sound steelhead. Also, there is some evidence that the robust populations of Cedar River rainbow and cutthroat are adversely impacting ESA listed chinook salmon. We ask that you approve this change.

I am writing in support of this proposal. My wife and I are concerned over the declining salmon runs in the Lake WA drainage, especially the sockeye but also chinook and steelhead, both of which are threatened. I have heard from reliable sources that rainbow and cutthroat trout are significant predators of juvenile salmon in the Cedar River system.

This does not mean that trout are “bad” and salmon are “good.” The trout took advantage of the fishery closure (until recent C&R fishery) since 1994. WDFW’s population survey in 2003 indicated a trout population as high as 17,000 from the mouth to the Landsburg Dam. As a consequence of good habitat and abundance of feed, including juvenile salmonids, trophy-sized trout are now common in the Cedar system. The proposed change would have 2 laudable purposes’ It would take some pressure off wild juvenile salmonids. Second, it would provide an excellent sportfishing opportunity close to the metropolitan area. Combined with the Landsburg fish ladder, the reduction of trout population will be another step to saving cherished salmon and steelhead runs and serve the mandate of ESA to protect endangered and threatened species.

This proposal enjoys support from members of the King County Council and Cedar River Council, as well as Puget Sound Anglers, of which I am a member. The proposed change is a win-win situation, I urge its adoption.

Oppose.

The King County Outdoor Sports Council strongly supports the harvest of resident trout in the Cedar River. WDFW studies have shown the Cedar has a healthy population of trout and harvesting some of these fish would undoubtedly aid the depressed steelhead run in the river. Also, this river with its close proximity to t major urban area would provide a grand opportunity for family fishing. Give a kid a chance to catch a nice trout and he will be hooked on fishing. Ethics for C&R will come after he’s become an angler. I would point out that the recommended season nearly coincides with the public school’s summer vacation.

This rule change is redundant due to the unofficial WDFW policy of encouraging poaching. The large number of empty worm containers, treble hooked lures, and barbed hooks found scattered the length and breadth of the Cedar suggest that many have appreciated the WDFW policy of not enforcing its own regulations. Perhaps if WA emulated OR and had its enforcement officers in the field instead of strutting with polished badges and bullets at sporting shows they would not be considered the joke that they are. It is incredible that WDFW believes that poaching only occurs M-F 8am-



5pm and never on holidays. The pathetically transparent attempt to care using WSP as a contact, is laughable to those of us who have tried it. They have the same hours, and don't answer their phone either. Your call will be routed to 911 which is incapable of dealing with any water-related incident.

The slot size fishery and the differentiation between the upper and lower rules will lead to much more harvest than estimated. In regards to poaching, certainly WDFW statistics will prove this is not a problem. If one does not look for a thing, it will never be found. Not even the most foolish of hunters would expect to bag a 3 point stag in Bellevue Square, or fishermen catch a steelhead in Husky Stadium. WDFW needs to pull its collective head out before it is permanently stuck and adapt the strategies of its customers and start looking in likely locations at likely times. This proposal is a very bad idea that will have detrimental unintended consequences. Do not change it from selective gear rules, catch and release until the fishermen of the state read and follow the game rules.

Native Fish Society opposes proposal. WSDFW should wait until more information is available about the role of resident rainbow trout in the health of the Cedar River's wild steelhead population.

**Modification:** change the slot limit for the retention to 12"-16". The larger minimum size should allow females to spawn at least once before entering the retention fishery.

**Staff Recommendation:** Adopt as modified.

**Commission Action:** Proposal was not adopted. The department will conduct a population survey on the river, and a creel survey during the catch-and-release season this summer, then report back to the commission with the results to determine whether a rule change for the Cedar is warranted.

### **#37. Harrison Slough Open Season**

**Proposal:** Currently, Harrison Slough (Skagit County) is closed to fishing. This proposal would open it to fishing for game fish for the standard stream season of June 1 – October 31, with statewide rules.

**Explanation:** The original intent of the closure was to protect steelhead adults and parr at the Barnaby Slough Steelhead Rearing Facility. We no longer use Harrison Slough for juvenile rearing, so the closure is no longer needed for protection of these facilities.

**Testimony:**

Conservation Committee of the Washington Fly Fishing Club supports proposal.  
Support proposal.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

### **#38. Lucas Slough Open Season**

**Proposal:** Currently, Lucas Slough (Skagit County) is closed to fishing. This proposal would open it to fishing for game fish for the standard stream season of June 1 – October 31, with statewide rules.

**Explanation:** The original intent of the closure was to protect steelhead adults and parr at the Lucas Slough Steelhead Rearing Facility. We no longer use a trap for adult brood stocking and juvenile rearing facilities with in Lucas Slough, so the closure is no longer needed for protection of these facilities.

**Testimony:**

Conservation Committee of the Washington Fly Fishing Club supports proposal.

Support proposal.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

### **#39. Lake Washington Tributaries (Except Cedar River) Juvenile Fishery**

**Proposal:** Currently, several tributaries to Lake Washington (Big Bear Creek, Coal Creek, Issaquah Creek, Kelsey Creek, and May Creek, and North Creek, a tributary to the Sammamish River), are closed to fishing. The Cedar River has a special catch-and-release fishery. Other tributaries not listed in the rules have standard stream seasons (June 1 – October 31, trout minimum size 8", daily limit 2). This proposal would make the rule for all these streams except the Cedar River: Open June 1 – August 31, trout minimum size 8", daily limit 2, juveniles only.

**Explanation:** This proposal will allow an opportunity for kids to fish for cutthroat trout in the summer in these urban streams.

**Testimony:**

Conservation Committee of the Washington Fly Fishing Club supports proposal.

Support re-opening the Lake Washington tributaries to juvenile fishing. These small streams are in close proximity to a large population of juvenile anglers. From all accounts the resident cutthroat in the basin are doing well. Allowing access to that resource by juvenile anglers seems to be an excellent way of encouraging the development of future anglers.

See also comments in Proposal #36, which also address this proposal.

Wild Steelhead Coalition opposes proposal. Due to impacts on resident rainbow trout for the same reasons as stated in #36. Additionally, one WSC member and 4 other anglers wrote in support of the WSC position.

Oppose.

This will also contribute to the problem. It is obvious that the first 3 words will be read and the rest: (except Cedar River) will be overlooked. Perhaps better wording in #36 and #39 would help.

Native Fish Society opposes proposal due to impacts on resident rainbow for the same reasons stated in #39.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#40. Skagit River Fishery Boundaries**

**Proposal:** This proposal would change the fishing area boundaries on the Skagit River in an attempt to consolidate and simplify the rules. Specifically, the river would be broken up into 4 regions for game fish rules:

*(Note: Salmon fisheries are not listed in this proposal. Additional sections may appear in the fishing pamphlet because boundaries for salmon fisheries (adopted through the North of Falcon process) cannot always be matched to those for game fish).*

**A. From Mouth to Hwy 536 at Mt Vernon: No Change to current rules.**

**B. From Hwy 536 to Gilligan Creek, Gilligan Cr. To Dalles Bridge: Combine sections with following rules:**

All Species- Night Closure and non-buoyant lure restriction July 1-Nov 30.

Trout June 1- March 15 Min. Size 14" Daily Limit 2

Dolly Varden/bull trout June 1- March 15 Min. Size 20" Daily Limit 2 as part of trout limit

Other game fish June 1- March 15 Statewide min size/daily limit

**C. From the Dalles Bridge to Cascade River: No change to current rules.**

**D. From Cascade River to Bacon Creek, Bacon Creek to Gorge Dam: Combine sections with following rules:**

All Species- Night Closure and non-buoyant lure restriction July 1-Nov 30.

Trout June 1- March 15 Min. Size 14" Daily Limit 2

Dolly Varden/bull trout June 1- March 15 Min. Size 20" Daily Limit 2 as part of trout limit

Other game fish June 1- March 15 Statewide min size/daily limit

### **Explanation:**

Section B. The lower half of this section is currently open until March 30, and is not subject to the night closure and non-buoyant lure restriction in place on the upper section. The proposed change would result in a common open and close date for sections B-D and common night and non-buoyant lure restriction for sections B-D. A loss of 16 days of opportunity would occur for trout fisherman in the lower section of B, but added protection for wild steelhead will be provided.

Section D. The upper half of this section is currently closed on February 28, and is not subject to the night closure and non-buoyant lure restriction in place on the lower section. The proposed change would result in a common open and close date for sections B-D and common night and non-buoyant lure restriction for sections B-D. An extra 16 days of fishing would occur for trout fisherman in the upper section of D, offsetting the loss in section B. The steelhead catch-and-release season would be eliminated. Steelhead are doing poorly above the mouth of the Cascade River and this regulation change would add needed protection. Currently, very little catch-and-release fishing is occurring in this reach of river, due to the lack of steelhead to catch.

The proposed regulation change would make the general trout regulations for the Skagit River the same from Mt Vernon to Newhalem, eliminating confusion. Salmon seasons would still be variable year to year.

**Testimony:**

Suggested reg change: Skagit River: Selective rules, no bait, C&R all species above the Cascade River/Marblemount Bridge. Reasoning: The species open are trout, char and steelhead. Resident fish populations and sportfishing opportunity will increase resulting in economic advantage to the upper valley region. The fishery does not need to be closed, only restrained and managed with regard to salmon poaching.

I appreciate the opportunity to submit and comment on sport fishing rule changes. I know this process must take a lot of time and personnel, However I do believe it is a good process. I have two comments regarding the rule proposal I submitted (in 2003) re: Region 4, Skagit River above Bacon Creek: "Catch and release only, no bait and selective rules, from Bacon Creek to Nehalem." (Edited for clarity) If possible I would like to amend the change to include the season dates as they currently are, June 1-end of February.

1. My proposed rule was not included, yet I am confused to the reasoning. The reason given for non-inclusion was "A comprehensive review of the state's hatchery program is currently being conducted... The current regulations should remain in place until this review is completed." The area of the Skagit affected by my proposal is currently closed to salmon fishing year round. While it is open for steelhead, I am unsure of the stocking that takes place above Bacon Creek, if any? Any further clarification would be much appreciated. Why would salmon stocking (or lack of it) effect an area currently closed to salmon fishing?

2. Providing further info re: reasoning for rule my rule proposal: The upper Skagit is prime spawning habitat for both steelhead and salmon. Even though fishing for salmon is closed, use of bait results in many "incidental" hookups of salmon. Studies have shown barbed bait mortality to be significantly higher than with barbless fly or lure. Fishing over these spawning fish with eggs is not consistent with the current rules closing these waters to salmon targeting or retention above the Cascade River. Of greater concern to me, are the resident trout and Dolly Varden/bull trout who live in this section of river. The upper Skagit is home to a very limited number of resident rainbow trout. These fish are most likely residual "steelhead" who serve to insulate the sea-running population from catastrophic events and provide additional spawn/fry who will revert to anadromous lifestyle. Currently, out of area guides are using bait to target these few fish with a catch and kill fishery. Removing these fish from the river is a disservice to the integrity of the rainbow/steelhead runs ongoing in the Skagit, and I believe it should be stopped. The area is also prime resident Dolly Varden/bull trout habitat.

While the numbers of fish is healthy, it is dangerous to assume it always will be so. With the majority of the Skagit drainage open for a two fish above 20 inch retention, closing the upper Skagit to harvest will provide a safer area for the resident population.

In closing, I believe the measures I have submitted are in keeping with the Wild & Scenic designation of the river, as well as the values of North Cascades National Park. As one of, if not the, premiere watersheds in the State, I believe the upper Skagit deserves this protection, while still allowing an open public fishery June 1- Feb 28. This

rule proposal will slowly increase the fishing opportunities while further protecting spawning steelhead and salmon. It is a win-win rule. I would also mention the recent "100 year" floods in the area. The amount of glacial sand/silt that has washed down the Sauk is making fishing difficult to impossible. After talking with many about the situation, it appears this will take years to clear up. This event will increase the fishing pressure on the Skagit River above the Sauk- putting even more pressure on the limited resources there. Please consider this new development when re-evaluating my rule proposal.

Support the proposed changes. Any effort to simplify the regulations is appreciated.

Support.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#41. Skykomish River Catch-and-Release Fishery**

**Proposal:** Currently, in addition to a June 1- February 28 season, the Skykomish River from the mouth to the mouth of the Sultan River is open for a catch-and-release fishery for game fish from March 1- April 30, with selective gear rules. This proposal would close the March 1- April 30 fishery.

**Explanation:** The March-April season is a catch-and-release fishery targeting wild winter steelhead. However, if the pre-season forecast shows that these fish will not meet minimum spawner escapement requirements the fishery is closed by emergency regulation. This has been the case for a number of years. This confuses recreational anglers since the season is listed as open in the fishing pamphlet. On March 1<sup>st</sup>, many anglers not intending to break the law head to the Skykomish River to go fishing without knowing that the river is closed, and our Enforcement officers each year cite anglers for fishing in closed waters. In addition, current abundance trends indicate that the Skykomish River catch-and-release fishery may not open for another 2-4 years. Adopting the closure as the permanent rule will place it in the fishing pamphlet for anglers to reference. If this situation changes, the fishery will be opened by emergency rule. Ordinarily, news of emergency openings spreads through the recreational fishing community much more quickly than does an emergency closure.

### **Testimony:**

Conservation Committee of the Washington Fly Fishing Club opposes. Retention of the C&R season is much preferred.

Support the proposed change. Having the fishing pamphlet reflecting the most likely situation will reduce the need for emergency rule changes thus reducing confusion among anglers.

King County Outdoor Sports Council supports this rule.

Wild Steelhead Coalition supports proposal. . Additionally, one WSC member and 3 other anglers wrote in support of the WSC position.

Support.

Native Fish Society supports proposal.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#42. NF Stillaguamish Catch-and-Release Season**

**Proposal:** Currently, the NF Stillaguamish River from the mouth to Swede Heaven Bridge is open year-round. From March 1 – November the rules are catch-and-release (except up to 2 hatchery steelhead may be retained) and fly fishing only. From December 1 – February 28, the minimum size for trout is 14" and the daily limit is 2. Statewide rules apply for other gamefish. This proposal would close the fishery for game fish from March 1 – May 31, making that fishery open from June 1 – November 30. The December – February season and all other rules would remain unchanged.

**Explanation:** The catch-and-release fishery from March 1<sup>st</sup> through May 31<sup>st</sup> is targeted at catch-and-release opportunity for wild winter steelhead. However, if the pre-season forecast shows that these fish will not meet minimum spawner escapement requirements, the fishery is closed by emergency regulation. This has been the case for a number of years. This confuses recreational anglers since the season is listed as open in the fishing pamphlet. On March 1<sup>st</sup>, many anglers not intending to break the law head to the North Fork Stillaguamish River to go fishing without knowing that the river is closed, and our Enforcement officers each year cite anglers for fishing in closed waters. In addition, current abundance trends indicate that the North Fork Stillaguamish River catch-and-release fishery may not open in the spring for another 2-4 years. Adopting the closure as the permanent rule will place it in the fishing pamphlet for anglers to reference. If this situation changes, the fishery will be opened by emergency rule. Ordinarily, news of emergency openings spreads through the recreational fishing community much more quickly than does an emergency closure.

**Testimony:** I support this rule change. There is far too much confusion about when the North Fork of the Stillaguamish is open. Additional posting of notices on the river as to its regulations would possibly cut down on the regulation violations.

Conservation Committee of the Washington Fly Fishing Club is opposed.

Support the proposed change. Having the fishing pamphlet reflecting the most likely situation will reduce the need for emergency rule changes thus reducing confusion among anglers.

King County Outdoor Sports Council supports this rule.

Wild Steelhead Coalition supports proposal. . Additionally, one WSC member and 3 other anglers wrote in support of the WSC position.  
Support.

Native Fish Society supports proposal.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

### **#43. Tokul Creek Fishing Area Boundaries and Seasons**

**Proposal:** This proposal would split Tokul Creek (King Co) from the mouth to the railroad trestle into two sections as follows:

**From mouth to Fish Hatchery Road bridge:**

ALL SPECIES- non-buoyant lure restriction Dec 1-Feb 28. Closed daily from 5:00 p.m.-7:00 a.m.

TROUT, Dec. 1-Feb. 28, Min. size 14". Daily limit 2.

Other Game Fish, Dec. 1-Feb. 28, Statewide min. size/daily limit.

**From Fish Hatchery Road bridge to railroad trestle (RM 1.1)**

CLOSED WATERS-from posted cable boundary marker (400' downstream of hatchery intake) to railroad trestle (RM 1.1)

ALL SPECIES- non-buoyant lure restriction Jan.15-Feb. 28. Closed daily from 5:00p.m.-7:00a.m.

TROUT, Jan. 15-Feb. 28, Min size 14". Daily limit 2.

Other Game Fish, Jan 15-Feb. 28, Statewide min. size/daily limit

**Explanation:** Along the southern shoreline of Tokul Creek, across from the hatchery, is a large slide that became active in the early 1990s, creating liability issues for WDFW. In 1991 the section of Tokul Creek along the slide (i.e., posted cable marker to the railroad trestle described in the sport fishing regulation pamphlet) was closed to fishing. In 2004, State and County transportation departments stabilized the slide area. With the slide stabilized and any liability issues resolved, recreational anglers can now be allowed the opportunity to catch hatchery winter steelhead that hold in the pools above the current fishery boundary marker on Tokul Creek.

The purpose of the stream breakout and different seasons is related to winter steelhead brood stock collection efforts at Tokul Creek Hatchery. For the past 5-6 years brood stock collection efforts have been difficult. One of the problems is anglers who fish right at the mouth of the stream where the trap is located and the pools immediately nearby, catching and harassing staging hatchery winter steelhead. The area described above is located just upstream of the Fish Hatchery Road bridge. By January 15<sup>th</sup>, brood stock collection is mostly completed (80%) and angling effort above the Fish Hatchery Road bridge is no longer a concern.

Finally, this regulation proposal opens up a large portion of Tokul Creek to hatchery steelhead retention that anglers haven't been able to access since the early 1990's.

**Testimony:**

I believe I may have a better proposal for you to consider. I have fished this Creek for 20 years and have observed many things happening that warrant my proposal. First of all your proposed opening of the Creek from the mouth to the first road bridge, Dec.1-Feb-28 is not a good option because: It will place a large number of fishermen in a confined area. Many fish hooked in this stretch are not

landed because of swiftness of the water and gradient. It will actually defeat your purpose of getting fish into the raceway to the trap. Many hooked and snagged fish sent back down to the Snoqualmie. Many fishermen will not be happy with this situation.

Your second proposal of waiting until Jan. 15 to open the area above the road bridge is also not a good option because: Since fishermen like to catch as bright a fish as possible to eat, these fish will have deteriorated as early as Jan. 15, quality will be low, morale will be low. Winter fish, as you know, enter the spawning cycle much faster than their summer cousins. Yes, these fishermen like to eat these fish. This is, after all, what it is all about. You again are taking away opportunity to harvest these hatchery fish.

This is my proposal;

#1. From mouth to a posted cable approximately 30' upstream of the first road bridge (about where you place the salmon rack) closed until Jan. 15, OR, when escapement goal is reached. Season to extend till March 31. Limit 2 hatchery steelhead only, 14" minimum, non-buoyant lure. Closing the creek from the mouth to the entrance to the fish raceway will allow more fish to come in for egg take without being harassed. If you open this area the fish will be hooked but usually not landed in this fast stretch with much gradient. This will also concentrate a large number of fishermen, making for unsavory interaction among them. It will prevent the fish from being allowed to enter the trap. What were you thinking?

#2. Upstream of boundary cable (yes, place a cable.) Approximately 30 feet upstream of first road bridge (everyone knows where this bridge is, no confusion) Open Dec. 1-March 31 for trout, 14" minimum, non-buoyant lure - up to your 400' below hatchery rack or wherever there are fish holding. Yes we need to harvest these fish. Number 1 area closure will ensure enough fish actually will enter the raceway creek to the trap without any harassment. This area could have an emergency opening after escapement goals are met. May create a little excitement and sell a few more licenses. Many fish are hooked, snagged, in the hole under the bridge and sent back down the creek, effectively keeping them from entering the raceway. A few bridge rats will object to this closure. This will also be self-policing with all the guys on the bridge. Number 2 area: Since almost all the fish which pass the inlet for the trap will not return to the trap, these should be harvested as soon as possible while their flesh is still very good. Waiting until Jan 15 will place the fish in poorer condition for eating. Winter fish mature faster than their summer cousins. It will open a much larger area to fishing and will satisfy more fishermen, who will buy more licenses. etc. etc. Keep everyone employed. I have caught new arrival fish through the month of March, in previous years. Why not harvest them. I have lived in four states and in my 20years of living in Washington, it is, by far, the best state in taking opportunity away from, instead of providing it, as is the "goal" of the department.

I just found out about your proposal 2 weeks ago. This is not enough time for input – you must allow more time.

Close the area from 40 ft above the bridge to the stream mouth from December 1 until the quota is met.

Close the area from the downstream side of the bridge (fish hatchery road) to 50 feet above the bridge but do it permanently.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.



#### **#44. Blackman Lake Trout Limit**

**Proposal:** Blackman Lake (Snohomish County) currently has the statewide daily limit of 5 trout with no minimum size. This proposal would change the daily limit to 3 trout.

**Explanation:** This Lake is planted with triploid trout, creating a very popular fishery. Unfortunately, some anglers kill large numbers of small trout in their quest of large trout. Reducing the daily limit will help with this problem. It should also spread the catch of large fish among more anglers.

**Testimony:**

Conservation Committee of the Washington Fly Fishing Club supports proposal.  
The King County Outdoor Sports Council supports proposal.

**Staff Recommendation:** Do not adopt. A lower daily limit is even more likely to encourage anglers to sort fish.

**Commission Action:** Proposal was not adopted.

#### **#45. Hancock Lake Season**

**Proposal:** Currently, Hancock Lake (King County) is open June 1 – October 31. This proposal would open Hancock Lake the last Saturday in April.

**Explanation:** The cutthroat population in this lake has greatly increased, with many small fish and few larger fish. The likely explanation is that the population has grown too large and the fish are becoming stunted. The delayed opening (June 1 instead of traditional last Saturday in April) was put in place to protect cutthroat from harvest in the spring until they had a chance to spawn. Apparently, that has worked too well, and some of these fish need to be harvested to provide a healthy population with a normal size structure.

**Testimony:**

Conservation Committee of the Washington Fly Fishing Club supports proposal.  
Support proposal.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

#### **#46. Mountain Lake Trout Daily Limit**

**Proposal:** Currently, Mountain Lake (San Juan Co) has the statewide daily limit for trout of 5 fish, no minimum size. This proposal would change the trout daily limit to 5 fish, no more than 2 over 18".

**Explanation:** We have recently begun stocking large triploid rainbow trout in Mountain Lake, and we expect this to increase angling pressure. In addition to the stocked fish, there are large wild cutthroat available in this lake. With both of these types of large fish available, there is the potential to create a quality fishery. Limiting the catch of these larger fish to two per day should spread the harvest among anglers, and perhaps even

allow some rainbow to carry over to the next years' fishery. It also slows the harvest rate on the wild fish. Since there are a number of nearby opportunities for anglers to catch limits of smaller trout without size restrictions, this rule should provide a more diverse opportunity for anglers in San Juan County.

**Testimony:**

Conservation Committee of the Washington Fly Fishing Club supports proposal.

**Modification:** Change trout daily limit to one fish over 18".

**Staff Recommendation:** Adopt as modified.

**Commission Action:** Adopted a modified.

## Region 5

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### **#47. NF Cispus River Selective Gear Rules**

**Proposal:** Currently the NF Cispus River (Lewis County) is open to fishing for trout June 1 – October 31, minimum size 8", daily limit 2, no more than 1 over 12', and cutthroat must be released. This proposal would add selective gear rules to this fishery.

**Explanation:** This proposal would protect wild trout by making it easier for anglers to release fish, increasing their survival rate. It also would provide consistent regulations, with regard to the application of selective gear rules, throughout the upper Cowlitz basin.

**Testimony:**

Conservation Committee of the Washington Fly Fishing Club supports proposal.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

### **#48. Cowlitz River Clear Fork and Muddy Fork Selective Gear Rules**

**Proposal:** Currently, the Clear and Muddy Forks of the Cowlitz River (Lewis Co) are open June 1 – October 31 under statewide rules, except that anglers are required to release cutthroat trout. This proposal would add selective gear rules to these fisheries.

**Explanation:** This proposal would protect wild trout by making it easier for anglers to release fish, increasing their survival rate. It also would provide consistent regulations, with regard to the application of selective gear rules, throughout the upper Cowlitz basin.

**Testimony:**

Conservation Committee of the Washington Fly Fishing Club supports proposal.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

### **#49. Coweeman River Steelhead Season**

**Proposal:** Currently, the Coweeman River from the mouth to Mulholland Creek is open from June 1 – March 15 for game fish, catch-and-release, except up to 2 hatchery steelhead may be retained. This proposal would extend this fishery until April 15, adding selective gear rules for the additional month.

**Explanation:** Recently, wild winter steelhead escapement has improved in the Coweeman River. This proposal extends the season by one month to provide additional catch-and-release fishing opportunity on wild winter steelhead. Selective gear rules have been added to protect listed species in late March and April.

**Testimony:**

Conservation Committee of the Washington Fly Fishing Club supports proposal.

King County Outdoor Sports Council opposes this rule.

Wild Steelhead Coalition opposes proposal. Our understanding is this proposal has been withdrawn on recommendation of Region Biologist, because river is not meeting its wild steelhead escapement. Additionally, one WSC member and 3 other anglers wrote in support of the WSC position.

South Sound Fly Fishers (90 members) supports the extension of the steelhead season by one month to provide angling opportunities where steelhead escapement goals are being met, provided that selective fishery remains to protect wild fish.

Oppose.

This proposal should be denied for the following reasons – Fish First and one other:

- a) This “opportunity” comes at a time when there are few if any fresh hatchery fish, but when depressed wild fish should be starting the spawning cycle.
- b) The “recent improved returns” the department cites to justify increased pressure have not happened. Their own explanation states that recent returns have not yet reached escapement goals. In a May, 2004 memo to me, the Region 5 biologist stated in part “the decline in the number of wild steelhead spawning below Lewisville is alarming.” The memo further states that despite taking aggressive measures to increase returns, escapement has averaged only 20% of the goal. His comments regarding other area rivers are only slightly less negative.
- c) The proposed change will allow fishing with bait (and its associated high mortality) on both wild adults and downstream migrating smolt.
- d) The proposed change is in direct conflict with existing regulations which were carefully crafted after many meetings between the Region staff and major sports fishing groups over the past several years.

Vancouver Wildlife opposes proposal.

Notes for Columbia River tributaries: Attached is a copy of wild winter steelhead returns from Bryce Glaser of WDFW. I have added the last 10 years average return, escapement goal. And % trend based on 2004-5 returns to this document. The Elochoman is averaging 41% of goal, and 29=005 returns are down 41% from 2004. Grays River is averaging 49% of goal, and 2005 returns are down 65% from 2004. EF Lewis is averaging 37% of goal and the 2005 returns are down 81% from 2004. Based on the estimated returns listed I oppose the additional fisheries on these rivers. All 3 have declining trends based on 2004 to 2005 returns and all 3 are under escapement goal. I oppose providing a spring Chinook fishery on the Elochoman and Grays from May 16- July 16. Based on the June 2004 report of the Select Area Fishery Evaluation Project, only 117 spring Chinook were caught in 2003 and 113 in 2004. CRCs from the Elochoman and Grays indicate between 5-21 spring salmon were caught by sportsmen. There isn't enough opportunity to catch these stray salmon from Deep River to justify fishing over winter steelhead smolts.

Please note that of the 10 tributaries starting with the Grays to the Washougal 9 are not meeting escapement goals that were established by WDFW. Only the Kalama is meeting or exceeding its goal, due primarily to the wild steelhead hatchery program

started in the late 90s. The past 4 years returns have been impressive and hopefully will be a model for more programs.

Please resist the temptation to add fishing opportunities on rivers where escapement goals are not being met.

Native Fish Society opposes proposal. Our understanding is this proposal has been withdrawn on recommendation of Region Biologist, because river is not meeting its wild steelhead escapement.

**Staff Recommendation:** Do not adopt. Escapement data from 2005 does not support extending this fishery.

**Commission Action:** Proposal was not adopted.

## **#50. Elochoman River Salmon Fishery**

**Proposal:** Currently the Elochoman River (Wahkiakum Co.) from the mouth to Elochoman Salmon Hatchery is opened in the spring for salmon fishing by emergency rule. This proposal would create a permanent rule opening this area for salmon fishing from May 16 – July 31 with a minimum size of 12', daily limit of 6, no more than 2 adults, and release wild chinook.

**Explanation:** This proposal would provide sport fishing opportunity for hatchery spring Chinook not harvested by select area commercial fisheries. Retention of only adipose fin-clipped fish focuses fishery on surplus hatchery spring chinook.

**Testimony:**

Conservation Committee of the Washington Fly Fishing Club supports proposal.

I favor this proposal offering increased opportunity for anglers in the situations where the wild steelhead will not be adversely affected.

Vancouver Wildlife opposes proposal. See notes on Proposal #49.

**Staff Recommendation:** Do not adopt. Continue to manage by emergency rule dependant on the returning chinook run and the strength of the wild steelhead return, as these fish would be impacted by the salmon fishery.

**Commission Action:** Proposal was not adopted.

## **#51. Elochoman River Steelhead Fishery**

**Proposal:** Currently the Elochoman River (Wahkiakum County) from mouth to West Fork is open to a catch-and-release fishery for game fish (except up to 2 hatchery steelhead may be retained) June 1-Mar. 15. This proposal would add another catch-and-release fishery (except up to 2 hatchery steelhead may be retained) with selective gear rules from the mouth to the Elochoman Hatchery Bridge from March 16 – April 16.

**Explanation:** Recently, wild winter steelhead escapement has improved in the Elochoman River and is near the escapement goal. This proposal extends the season by one month to provide additional fishing opportunity.

**Testimony:**

Conservation Committee of the Washington Fly Fishing Club supports proposal.

King County Outdoor Sports Council opposes this rule.

I favor this proposal offering increased opportunity for anglers in the situations where the wild steelhead will not be adversely affected.

Wild Steelhead Coalition opposes proposal. Our understanding is this proposal has been withdrawn on recommendation of Region Biologist, because river is not meeting its wild steelhead escapement. Additionally, one WSC member and 3 other anglers wrote in support of the WSC position.

South Sound Fly Fishers (90 members) supports the extension of the steelhead season by one month to provide angling opportunities where steelhead escapement goals are being met, provided that selective fishery remains to protect wild fish.

Oppose.

This proposal should be denied for the following reasons:

- a) This “opportunity” comes at a time when there are few if any fresh hatchery fish, but when depressed wild fish should be starting the spawning cycle.
- b) The “recent improved returns” the department cites to justify increased pressure have not happened. Their own explanation states that recent returns have not yet reached escapement goals. In a May, 2004 memo to me, the Region 5 biologist stated in part “the decline in the number of wild steelhead spawning below Lewisville is alarming.” The memo further states that despite taking aggressive measures to increase returns, escapement has averaged only 20% of the goal. His comments regarding other area rivers are only slightly less negative.
- c) The proposed change will allow fishing with bait (and its associated high mortality) on both wild adults and downstream migrating smolt.
- d) The proposed change is in direct conflict with existing regulations which were carefully crafted after many meetings between the Region staff and major sports fishing groups over the past several years.

Vancouver Wildlife opposes proposal. See notes on Proposal #49.

Native Fish Society opposes proposal. Our understanding is this proposal has been withdrawn on recommendation of Region Biologist, because river is not meeting its wild steelhead escapement.

**Staff Recommendation:** Do not adopt. Escapement data from 2005 does not support extending this fishery.

**Commission Action:** Proposal was not adopted.

## **#52. Gobar Creek Catch-and-Release Fishery**

**Proposal:** Gobar Creek (Cowlitz County tributary to the Kalama River) is currently open June 1 – Mar. 15. For trout, the minimum size is 14" and the daily limit is 2. Anglers are required to release wild cutthroat and all steelhead. Other game fish may be harvested under statewide minimum sizes/daily limits. This proposal would change this fishery to June 1 – March 31, with catch-and-release and selective gear rules for all species.

**Explanation:** The current regulation implies there are harvestable numbers of resident trout between 14" and 20" in Gobar Creek. This is not the case. Most trout produced in the creek are juvenile steelhead and are currently part of a long-term research project on-going in the upper Kalama basin. In addition, a substantial fraction (up to 12%) of the adult winter steelhead return as jacks that are less than 20" in length. This regulation change protects these two components of the ESA-listed steelhead in the Kalama from directed harvest.

**Testimony:**

Conservation Committee of the Washington Fly Fishing Club supports proposal.

Wild Steelhead Coalition opposes proposal. Recommend this be closed. Gobar Creek is a small steelhead spawning tributary in which its smolts and resident rainbow trout should be protected. Additionally, one WSC member and 3 other anglers wrote in support of the WSC position.

South Sound Fly Fishers (90 members) supports the changes in the Kalama system to protect upriver steelhead. We suggest that in the future when the steelhead study is completed, retention of hatchery steelhead will be allowed in the upper river.

Oppose.

Vancouver Wildlife says please close to all fishing.

Native Fish Society opposes proposal. Recommend that this be closed. Gobar Creek is a small steelhead spawning tributary in which its smolts and resident rainbow trout should be protected.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#53. Grays River Hatchery Spring Chinook Salmon Fishery**

**Proposal:** Currently the Grays River (Wahkiakum Co) from the mouth to the Highway 4 bridge is opened in the spring for salmon fishing by emergency rule. This proposal would create a permanent rule opening this area for salmon fishing from May 16 – July 31 with a minimum size of 12", daily limit of 6, no more than 2 adults, and release wild chinook.

**Explanation:** This proposal would provide sport fishing opportunity for hatchery spring chinook not harvested by select area commercial fisheries. Retention of only adipose fin-clipped fish focuses fishery on surplus hatchery spring chinook.

**Testimony:**

Wild Steelhead Coalition opposes proposal. This fishery in May is during a period of historical adult wild winter steelhead passage. The proposed season will not only take some unknown number of adult steelhead, but it will also take an unknown number of downstream migrating salmon and steelhead smolts. According to Region Biologist, river is not meeting its wild steelhead escapement goals. Additionally, one WSC member and 3 other anglers wrote in support of the WSC position.

Clark-Skamania Flyfishers oppose the proposal. This would open the river to chinook fishing in May during a period of historical adult wild winter steelhead passage. The proposed season will not only take some unknown number of adult steelhead, but it will also take an unknown number of downstream migrating salmon and steelhead smolts. By your own information (Rawding memo 10/3) the Grays River is at less than 30% of the escapement goal. I would suggest if you insist on having this spring chinook fishery it should be contained only in the WF of the Grays from the confluence with the mainstem to the hatchery.

Oppose.

Vancouver Wildlife opposes proposal. See notes on Proposal #49.

Native Fish Society and Fish First oppose proposal. This fishery in May is during a period of historical adult wild winter steelhead passage. The proposed season will not only take some unknown number of adult steelhead, but it will also take an unknown number of downstream migrating salmon and steelhead smolts. According to Region Biologist, river is not meeting its wild steelhead escapement goals, less than 30% of escapement goal. If the Commission requires a spring chinook fishery, it should be in the West Branch Grays River only.

**Staff Recommendation:** Do not adopt. Continue to manage by emergency rule dependant on the returning chinook run and the strength of the wild steelhead return, as these fish would be impacted by the salmon fishery.

**Commission Action:** Proposal was not adopted.

## **#54. Grays River Steelhead Fishery**

**Proposal:** Currently, the Grays River (Wahkiakum County) from mouth to the Highway 4 Bridge, is open to a hatchery steelhead fishery (daily limit 2 - hatchery steelhead only) September 1 – October 15, and November 15-March15. The area from the Highway 4 Bridge to mouth of South Fork is open for hatchery steelhead (daily limit 2) from September 1 – October 15, and December 15-March 15. This proposal would extend the closing dates for the later fisheries in both these areas from March 15 to April 15, and add selective gear rules from March 16 – April 15.

**Explanation:** Recently, wild winter steelhead escapement has improved in the Grays River and is near the escapement goal. This proposal extends the season by one month to provide additional opportunity, and adds selective gear rules to protect listed species in late March and April.

**Testimony:**



Conservation Committee of the Washington Fly Fishing Club supports proposal. I favor this proposal offering increased opportunity for anglers in the situations where the wild steelhead will not be adversely affected.

King County Outdoor Sports Council opposes this rule.

Wild Steelhead Coalition opposes proposal. Our understanding is this proposal has been withdrawn on recommendation of Region Biologist, because river is not meeting its wild steelhead escapement. Additionally, one WSC member and 3 other anglers wrote in support of the WSC position.

South Sound Fly Fishers (90 members) supports the extension of the steelhead season by one month to provide angling opportunities where steelhead escapement goals are being met, provided that selective fishery remains to protect wild fish.

Oppose.

This proposal should be denied for the following reasons”

- a) This “opportunity” comes at a time when there are few if any fresh hatchery fish, but when depressed wild fish should be starting the spawning cycle.
- b) The “recent improved returns” the department cites to justify increased pressure have not happened. Their own explanation states that recent returns have not yet reached escapement goals. In a May, 2004 memo to me, the Region 5 biologist stated in part “the decline in the number of wild steelhead spawning below Lewisville is alarming.” The memo further states that despite taking aggressive measures to increase returns, escapement has averaged only 20% of the goal. His comments regarding other area rivers are only slightly less negative.
- c) The proposed change will allow fishing with bait (and its associated high mortality) on both wild adults and downstream migrating smolt.
- d) The proposed change is in direct conflict with existing regulations which were carefully crafted after many meetings between the Region staff and major sports fishing groups over the past several years.

Vancouver Wildlife opposes proposal. See notes on Proposal #49.

Native Fish Society opposes proposal. Our understanding is this proposal has been withdrawn on recommendation of Region Biologist, because river is not meeting its wild steelhead escapement.

**Staff Recommendation:** Do not adopt. Escapement data from 2005 does not support extending this fishery.

**Commission Action:** Proposal was not adopted.

## **#55. Green River – Three Proposals**

**Proposal 1:** Currently the Green River (Cowlitz Co) from the mouth to 400’ below the water intake at the upper end of the hatchery is open for a fishery on hatchery spring chinook from April 1- May 31, and from the mouth to the 2800 bridge from June 1 – November 30. This proposal would close both of these fisheries.

**Explanation 1:** The spring chinook program at the North Toutle Hatchery has ended, so spring chinook will no longer be released.

**Proposal 1 Testimony:**

Conservation Committee of the Washington Fly Fishing Club supports proposal.  
Vancouver Wildlife supports proposal.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

**Proposal 2:** Currently, the Green River is open for a hatchery steelhead only fishery from the mouth to the 2800 bridge from April 1 – November 30. This proposal would change the start date of this fishery to June 1.

**Explanation 2:** June 1 is the normal opening date for streams, and for other summer steelhead fisheries in the lower Columbia River. With the closure of the salmon fishery during this time period (see proposal1, above), this proposal would provide consistency and would increase protection for late wild winter steelhead.

**Proposal 2 Testimony:**

Conservation Committee of the Washington Fly Fishing Club supports proposal.

I have enjoyed this fishery for several years, and during the last two years I have been able to take fresh, hatchery summer steelhead in late April and May. This has been the main draw of the fishery for me. I personally would like to see the steelhead fishery on this river open from May 1 from the mouth to the upper hatchery water intake. A look at the catch records would no doubt support the viability of this fishery. The assertion that moving the opening day to June 1 would bring this fishery in line with other Columbia river tributaries is not entirely true. Both the Kalama and Cowlitz rivers host year round fisheries on hatchery steelhead. So, unless a fishery from the mouth to the upper intake would significantly impact the wild winter steelhead run, I urge you to consider opening the Green for retention of hatchery steelhead on May 1 from the mouth to the upper hatchery water intake.

Vancouver Wildlife supports proposal.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

**Proposal 3:** Currently, the Green River from the mouth to the 2800 Bridge is open to fishing for game fish April 1 – November 30. This fishery is catch-and-release except up to 2 hatchery steelhead may be retained. Proposal 2 would change the opening date of this fishery, making it June 1 – November 30. This proposal would create an additional catch-and-release fishery (except anglers may keep up to 2 hatchery steelhead) in the smaller area from the mouth to the 1000 Bridge from December 1 – April 15, with selective gear rules.

**Explanation 3:** Wild winter steelhead escapements have improved on the Green River. This proposal creates a catch-and-release fishery on these fish, also giving anglers the

option to keep up to 2 hatchery steelhead. The selective gear rule restriction gives protection to released fish during this winter fishery.

**Proposal 3 Testimony:**

Conservation Committee of the Washington Fly Fishing Club supports proposal.

I favor this proposal offering increased opportunity for anglers in the situations where the wild steelhead will not be adversely affected.

Wild Steelhead Coalition supports proposal. . Additionally, one WSC member and 3 other anglers wrote in support of the WSC position.

I would back this proposal.

The text for this proposal says that the river is open to fishing for game fish April 1 – November 30. This is not technically true because the river is really only open to fishing for salmon and steelhead, with no mention of other game fish. So everyone fishing must be fishing for salmon or steelhead, and must have a punchcard.

Comment applies to all proposals for the Green River: If the intent is truly to create additional C&R opportunities, the regulation needs to be rewritten to address trout.

Nearly all the other rivers mentioned in the special rules have a section stating the rules on trout or other game fish. No river in the Toutle system has a word on it. This may seem like a minor issue and if someone wanted to fish for trout during seasons targeting salmon and steelhead that is perfectly OK as long as they have a license and CRC.

Most young children however, do not have a CRC, so fishing for trout in the Toutle system, including the Green, becomes illegal for them unless their parents go through the hassle of getting, keeping track of, and returning punchcards for every child. To solve this, add “other game fish” to the regulations in the Green/Toutle system (open during salmon/steelhead seasons, C&R, selective gear, etc. or allow young children to punch on a parent’s card. These changes make it easier to “take a kid fishing” in SW WA. Additionally, addressing “other game fish” creates consistency in the rules, aligns the Toutle/Green system with nearby rivers, and creates the C&R fisheries stated as goals of proposals for the Green River.

Vancouver Wildlife supports proposal.

Wild Steelhead Coalition opposes proposal. This fishery in May is during a period of historical adult wild winter steelhead passage. The proposed season will not only take some unknown number of adult steelhead, but it will also take an unknown number of downstream migrating salmon and steelhead smolts. According to Region Biologist, river is not meeting its wild steelhead escapement goals.

Native Fish Society supports proposal.

**Staff Recommendation:** Do not adopt. Escapement data from 2005 does not support extending this fishery.

**Commission Action:** Proposal was not adopted.

## **#56. Kalama River Catch-and-Release Fisheries**

**Proposal:** Currently, the Kalama River (Cowlitz County) from 1000' above the fishway at the upper hatchery to Summers Creek is open to fishing for game fish year round with selective gear rules and fishing from a floating device equipped with a motor is prohibited. The area from Summers Creek upstream to Kalama Falls is open to fishing for game fish June 1 – March 31, with fly fishing only and fishing from a floating device equipped with a motor is prohibited. For both fisheries, the trout minimum size is 14", and the daily limit is 2. Anglers are required to release wild cutthroat and all steelhead in the mainstem and tributaries. Other game fish may be harvested under the statewide minimum size/daily limits. This proposal would make both of these fisheries totally catch and release, retaining prohibition about fishing from a floating device equipped with a motor, and the selective gear rules in the lower section, and fly fishing only in the upper section.

**Explanation:** The current regulation implies there are harvestable numbers of resident trout between 14" and 20" in these sections of the upper river. This is not the case. Most trout produced in this area are juvenile steelhead and are currently part of an on-going study to compare the reproductive success of wild-broodstock hatchery steelhead to that of their wild-reared counterparts, when both spawn naturally in the upper Kalama River and its tributaries. In addition, a substantial fraction (up to 12%) of the adult winter steelhead return as jacks that are less than 20" in length. This regulation change protects these two components of the ESA-listed steelhead in the Kalama from directed harvest. Hatchery steelhead can still be harvested in the lower river.

### **Testimony:**

Conservation Committee of the Washington Fly Fishing Club supports proposal.

I would encourage WDFW to approve this proposal and protect juvenile steelhead.

Wild Steelhead Coalition supports proposal. Additionally, one WSC member and 3 other anglers wrote in support of the WSC position.

South Sound Fly Fishers (90 members) supports the extension of the steelhead season by one month to provide angling opportunities where steelhead escapement goals are being met, provided that selective fishery remains to protect wild fish.

Vancouver Wildlife supports proposal.

Native Fish Society supports proposal.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#57. EF Lewis River Hatchery Steelhead Fishery**

**Proposal:** On the EF Lewis River (Clark/Skamania Co) from the mouth to the top boat ramp at Lewisville Park, change the starting date for the steelhead only fishery from April 16 to March 16 (making the fishery in this stretch year-round). All other rules remain the same (daily limit 2 hatchery steelhead only, selective gear rules).

**Explanation:** Recently, wild winter steelhead escapement has improved in the EF Lewis River, and is close to meeting the escapement goal. This proposal extends the season by one month to provide additional fishing opportunity.

### **Testimony:**

Conservation Committee of the Washington Fly Fishing Club supports proposal only when projections indicate wild steelhead escapement will be met.

I favor this proposal offering increased opportunity for anglers in the situations where the wild steelhead will not be adversely affected.

I support this proposal affording more opportunity on EF Lewis.

Wild Steelhead Coalition opposes proposal. Our understanding is this proposal has been withdrawn on recommendation of Region Biologist, because river is not meeting its wild steelhead escapement. Additionally, one WSC member and 3 other anglers wrote in support of the WSC position.

South Sound Fly Fishers (90 members) supports the extension of the steelhead season by one month to provide angling opportunities where steelhead escapement goals are being met, provided that selective fishery remains to protect wild fish.

Oppose.

This proposal should be denied for the following reasons"

a) This "opportunity" comes at a time when there are few if any fresh hatchery fish, but when depressed wild fish should be starting the spawning cycle.

b) The "recent improved returns" the department cites to justify increased pressure have not happened. Their own explanation states that recent returns have not yet reached escapement goals. In a May, 2004 memo to me, the Region 5 biologist stated in part "the decline in the number of wild steelhead spawning below Lewisville is alarming." The memo further states that despite taking aggressive measures to increase returns, escapement has averaged only 20% of the goal. His comments regarding other area rivers are only slightly less negative.

c) The proposed change will allow fishing with bait (and its associated high mortality) on both wild adults and downstream migrating smolt.

d) The proposed change is in direct conflict with existing regulations which were carefully crafted after many meetings between the Region staff and major sports fishing groups over the past several years.

Vancouver Wildlife opposes proposal. See notes on Proposal #49.

Native Fish Society opposes proposal. Our understanding is this proposal has been withdrawn on recommendation of Region Biologist, because river is not meeting its wild steelhead escapement.

**Staff Recommendation:** Do not adopt. Escapement data from 2005 does not support extending this fishery.

**Commission Action:** Proposal was not adopted.

## **#58. Skate Creek Adipose-Clipped Rainbow**

**Proposal:** The current trout rules for Skate Creek (Lewis County, tributary to the Cowlitz River) are: minimum size 8", daily limit 5, no more than 1 over 12", release cutthroat. This proposal would add the provision that only adipose fin-clipped rainbow trout may be retained.

**Explanation:** Catchable rainbow trout planted in Skate Creek are now adipose fin-clipped. This change will allow anglers to identify stocked trout and in avoiding the retention of anadromous salmonid smolts and wild trout. This change is needed to allow the stocked trout fishery to continue in coordination with the anadromous fish reintroduction program.

**Testimony:**

Conservation Committee of the Washington Fly Fishing Club supports proposal. Wild Steelhead Coalition and Native Fish Society support proposal with the amendment of adding selective gear rules. Additionally, one WSC member and 3 other anglers wrote in support of the WSC position.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#59. Tilton River Adipose-Clipped Rainbow**

**Proposal:** The current trout rules for the Tilton River (Lewis County) from the mouth to the West Fork are: minimum size 8", daily limit 5, no more than 1 over 12", release cutthroat. This proposal would add the provision that only adipose fin-clipped rainbow trout may be retained.

**Explanation:** Catchable rainbow trout planted in the Tilton River are now adipose fin-clipped. This rule will assist anglers in identifying stocked trout and in avoiding the retention of anadromous salmonid smolts and wild trout. This change is needed to allow the stocked trout fishery to continue in coordination with the anadromous fish reintroduction program.

**Testimony:**

Conservation Committee of the Washington Fly Fishing Club supports proposal.

Wild Steelhead Coalition and Native Fish Society support proposal with the amendment of adding selective gear rules. Additionally, one WSC member and 3 other anglers wrote in support of the WSC position.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#60. Wind River Steelhead Fishery**

**Proposal:** The Wind River (Skamania County) from 100' feet above Shipherd Falls upstream is currently open for salmon and steelhead, May 1 to June 30, The minimum size is 12" for salmon, 20" for steelhead. The daily limit is a total of 2 salmon or 2 hatchery steelhead, or 1 of each. This proposal would add a catch-and-release fishery in this area from September 1- November 30, with selective gear rules.

**Explanation:** Fishing for wild summer steelhead in the Wind River was closed in the late 1990s due to very low returns. Recent run sizes have improved enough to allow for a catch-and-release opportunity on wild summer steelhead.

### **Testimony:**

Conservation Committee of the Washington Fly Fishing Club supports proposal only when projections indicate wild steelhead escapement will be met.

I favor this proposal offering increased opportunity for anglers in the situations where the wild steelhead will not be adversely affected.

Wild Steelhead Coalition and native Fish Society support proposal with caution.

Amendment under the following conditions: That any fishery will be C&R only, selective gear rules. It will be permitted by e-reg after trap and snorkel surveys positively indicate that escapement levels have been met and there are adequate reserves of adult fish to insure the C&R mortality will not depress adult steelhead population below escapement. We also urge WDFW to begin the fishery after Labor Day weekend. Additionally, one WSC member and 3 other anglers wrote in support of the WSC position.

South Sound Fly Fishers (90 members) supports the extension of the steelhead season by one month to provide angling opportunities where steelhead escapement goals are being met, provided that selective fishery remains to protect wild fish.

Clark-Skamania Flyfishers and Fish First support the proposal only under the following conditions: Any fishery will be hook and release only. The fishery will be permitted by e-reg only after trap and snorkel surveys positively indicate that escapement levels have been met and there are adequate reserves of adult fish to insure the C&R mortality will not depress adult steelhead population below escapement. We respectfully request the Commission to direct the Law Enforcement Division to develop a LE plan to effectively monitor the fishery for illegal activity and to report the results to the Commission, since this is an experimental fishery. The plan should include the following information: date, time, and location of patrols, number of officers, anglers contacted, and any enforcement action taken. We strongly urge the Department to begin the fishery after the Labor Day holiday weekend. If you start this fishery on that holiday you will likely substantially increase the mortality because anglers will be fishing a population of steelhead that has experienced no harassment since entering the Wind. Many fishers are likely to be tourists who are not focused on the regulations. To avoid this possibility we suggest you open the Wind River on September 15.

We would remind the Commission and Department that the Clark-Skamania Flyfishers began adult snorkel surveys on the Wind 30 years ago, before the Department was involved. CSF urged the closure of the Wind because of very low populations of steelhead in the mid-1990s. We have literally thousands of hours and thousands of dollars of club resources invested and very much want this proposed season to be

successful. We urge you to take a conservative approach in the hope that it will insure success.

The proposal is basically al right, however I suggest the opening date be delayed to mid-month to avoid setting a “opening day” fishery on a major holiday weekend. This is a time when many potential fishers will be recreational campers with little knowledge of catch and release regulations and procedures.

**Modification:** In response to the concerns expressed in the testimony of several groups and individuals, delay the opening of the proposed catch-and-release fishery to September 16.

**Staff Recommendation:** Adopt as modified.

**Commission Action:** Adopted as modified.

## **#61. Washougal River – 2 Proposals**

**Proposal 1:** Currently, the Washougal River (Clark County) from the mouth to Mt. Norway Bridge at Vernon Rd. is open to a catch-and-release fishery for game fish, (except up to 2 hatchery steelhead may be retained) from June 1 – March 15, and from April 16 - May 31. The April/May fishery has selective gear rules. This proposal would open this second fishery a month earlier (March 16 – May 31), with selective gear rules.

**Explanation 1:** Recently, wild winter steelhead escapement has improved in the Washougal River and is exceeding the escapement goal. This proposal extends the season by one month to provide additional fishing opportunity.

### **Proposal 1 Testimony:**

I am in favor or the proposal providing anglers are required to record all fish released during the season extension. Winter natives are gone by May and therefore the “bait ban” should only take place during the months of March and April. Many hatchery fish return in May when flows are higher and snagging is not a problem.

I favor this proposal offering increased opportunity for anglers in the situations where the wild steelhead will not be adversely affected.

Wild Steelhead Coalition and Native Fish Society oppose proposal. Our understanding is this proposal has been withdrawn on recommendation of Region Biologist, because river is not meeting its wild steelhead escapement. Additionally, one WSC member and 3 other anglers wrote in support of the WSC position.

Oppose.

This proposal should be denied for the following reasons”

- a) This “opportunity” comes at a time when there are few if any fresh hatchery fish, but when depressed wild fish should be starting the spawning cycle.
- b) The “recent improved returns” the department cites to justify increased pressure have not happened. Their own explanation states that recent returns have not yet reached escapement goals. In a May, 2004 memo to me, the Region 5 biologist stated in part “the decline in the number of wild steelhead spawning below Lewisville is alarming.” The memo further states that despite taking aggressive measures to increase returns,



escapement has averaged only 20% of the goal. His comments regarding other area rivers are only slightly less negative.

c) The proposed change will allow fishing with bait (and its associated high mortality) on both wild adults and downstream migrating smolt.

d) The proposed change is in direct conflict with existing regulations which were carefully crafted after many meetings between the Region staff and major sports fishing groups over the past several years.

**Staff Recommendation:** Do not adopt. Escapement data from 2005 does not support extending this fishery.

**Commission Action:** Proposal was not adopted.

**Proposal 2:** Currently, the rule for the Washougal River from the mouth to Mt. Norway Bridge at Vernon Rd. contains a night closure and non-buoyant lure restriction and a stationary gear restriction (line and weight and lure or bait must be moving - not stationary) Sept. 1-Oct. 31. When non-buoyant lure restriction is in effect, only fish hooked in the inside of the mouth may be retained. This proposal would extend the night closure to be in effect year-round. The non-buoyant lure restriction and stationary gear restriction would be in effect July 1- October 31, and when non-buoyant lure restriction is in effect, only fish hooked in the inside of the mouth may be retained.

**Explanation 2:** The extension of the non-buoyant lure restriction and night closure will promote a more orderly fishery and help to reduce snagging on wild and hatchery steelhead that are stacking up in the lower river due to very low water conditions. Steelhead stack up by the hundreds in the few deep water pools in the area and are subject to snagging and harassment starting about July 1 through the rest of the year until significant fall rains help them move upstream.

**Proposal 2 Testimony:**

I think this rule should be on most rivers in the state. This method has gained a lot of popularity on my local rivers, such as the Skykomish silver season. People sit on the bank and drift a corkie and snag silvers, one after another, while I fish with lures. I do not find this sporting and it seems illegal to catch fish that do not bite the lure.

Oppose.

I am not in favor of extending the night closure through the winter months. Daylight is short and those that work may extend their angling opportunities to night fish for winter steelhead. The goal on the Washougal is to reduce poaching of snagged fish which has been a problem during summer and fall low flows. Snagging has not been a problem from Dec – Feb when hatchery fish typically return. You wrote in the rationale for not approving James Hearn's proposal the "We also strive to provide a diversity of opportunity for our anglers." Keeping night fishing open would continue to do that.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## #62. Columbia River Sturgeon Retention Fisheries - 2 Proposals

**Proposal 1:** Specific dates for sturgeon retention, usually beginning in May and ending in July, are contingent upon annual resource inventory updates in the fall and negotiations with the state of Oregon. Final season dates and regulation changes, once agreed to at the Joint State Hearing, will be inserted into the permanent rule proposal.

**Explanation 1:** Sturgeon in the lower Columbia River and tributaries downstream from Bonneville Dam are managed under the 3-year sturgeon management agreements between Washington and Oregon. Sturgeon population status, fishing seasons, and regulations are reviewed each year. Columbia River Joint State Hearings are held at the end of each year to set seasons and regulations to keep sturgeon harvest within annual guidelines. These rules also maintain concurrent regulations between Washington and Oregon.

### **Proposal 1 Testimony:**

Vancouver Wildlife says please close the Columbia from Bonneville Dam to Beacon Rock during sturgeon spawning season eliminating the hook and release fishery for oversize sturgeon.

I support the proposal with the caveat that Oregon and Washington both must allow the retention of one legal sturgeon designated by transport tags as an “anytime fish”, thus allowing occasional anglers and those that must work Thursdays, Fridays, and Saturdays an opportunity to actually keep a fish during the angling year.

**Staff Recommendation:** Adopt the seasons and size limits for Columbia River sturgeon that were agreed to at the Joint State Sport Hearing. Mainstem rules for the adjacent river sections also apply to the major tributaries listed below.

### Wauna Powerlines to Bonneville Dam (above Wauna)

Jan 1- Jul 31: open Thursdays, Fridays, and Saturdays (42 inch min)

Aug 1- Sep 30: closed to retention

Oct 1 - Dec 31: open Thursdays, Fridays, and Saturdays (42 inch min)

Major tributaries:

Cowlitz River – mouth to Mayfield Dam

Lewis River

NF Lewis River – mouth to Colvin Creek

Vancouver Lake (*see also proposal #63*)

### Buoy 10 Line to Wauna Powerlines (below Wauna)

Jan 1 - Apr 30: open to retention (42 inch minimum size limit)

May 1 - May 12: closed to retention

May 13 - Jul 4: open to retention (45 inch minimum size limit)

Jul 5 - Dec 31: closed to retention

Major tributary:

Deep River

**Commission Action:** Adopted as proposed.

**Proposal 2:** This proposal is intended to allow for increased protection of spawning white sturgeon between Bonneville and McNary dams through measures such as restricting fishing for sturgeon in areas immediately downstream of dams during the spawning period. The need for and extent of specific restrictions will be identified through the U.S. v Oregon joint management process involving Oregon and the Columbia River Treaty Tribes.

**Explanation 2:** Broodstock that congregate on spawning grounds just downstream of dams are susceptible to increased reproductive failure and mortality resulting from injury and stress if handled excessively in sport fisheries. Impounded white sturgeon populations exhibit poor natural production due to impacts from the hydropower system and broodstock protection is an important component in efforts to rebuild populations in this section of the Columbia River.

**Proposal 2 Testimony:**

I support the proposal with the caveat that Oregon and Washington both must allow the retention of one legal sturgeon designated by transport tags as an “anytime fish”, thus allowing occasional anglers and those that must work Thursdays, Fridays, and Saturdays an opportunity to actually keep a fish during the angling year.

Vancouver Wildlife says please close the Columbia from Bonneville Dam to Beacon Rock during sturgeon spawning season eliminating the hook and release fishery for oversize sturgeon.

**Staff Recommendation:** Adopt the sanctuaries agreed to with Oregon.

McNary Sanctuary:

The sanctuary extends from the dam downstream 1.5 miles to the HWY-82 (HWY-395) Bridge. Both boat and bank angling for sturgeon are prohibited during the months of May, June, and July (including catch-and-release fishing).

Bonneville Sanctuary

Currently, fishing for sturgeon is closed from Beacon Rock to Bonneville Dam May 1 – July 31. The new sanctuary extends that closure approximately two miles further downstream to a line crossing the Columbia at a right angle to the thread of the river from Navigation Marker 85 on the WA shore to the OR shore.

**Commission Action:** Adopted as proposed.

## **#63. Apply Columbia River Sturgeon Rules to Vancouver Lake**

**Proposal:** Currently, different rules exist in Vancouver Lake and the adjacent Columbia River with regard to sturgeon fishing. This proposal would make the rules for sturgeon fishing in Vancouver Lake, Vancouver Lake flushing channel, and all other waters west of the Burlington-Northern Railroad from the Columbia River drawbridge near Vancouver downstream to the Lewis River identical to those in the Columbia River from the I-5 Bridge to Bonneville Dam.

**Explanation:** Region 5 Enforcement staff identified the need for this rule in order to address a discrepancy in sturgeon retention regulations between these two adjacent waters. The current regulation allowing sturgeon retention 7-days a week in Vancouver Lake confounds enforcement of the 3-day a week retention fishery in the adjacent mainstem Columbia River.

**Testimony:**

Vancouver Wildlife supports proposal.

**Staff Recommendation:** Adopt as proposed. (*See details in proposal #62*)

**Commission Action:** Adopted as proposed.

## **#64. Mayfield Lake Trout Rules**

**Proposal:** Currently, Mayfield Lake (Reservoir) (Lewis County) from Mayfield Dam to Mossyrock Dam is open to fishing for trout year-round. The minimum size is 8", daily limit 5. All cutthroat must be released. This proposal would add the provision that only adipose-clipped rainbow trout may be retained.

**Explanation:** Catchable rainbow trout planted in Mayfield Lake are now adipose fin-clipped. This change will allow anglers to identify stocked trout and avoid the retention of anadromous salmonid smolts and wild trout. This change is needed to allow the stocked trout fishery to continue in coordination with the anadromous fish reintroduction program.

**Testimony:**

Conservation Committee of the Washington Fly Fishing Club supports proposal.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#65. Scanewa Lake Trout Rules**

**Proposal:** Currently, Scanewa Lake (Lewis County) (Cowlitz Falls Reservoir), is open to fishing for trout June 1-Feb. 28. The minimum size is 8", daily limit 5. All cutthroat must be released. This proposal would add the provision that only adipose-clipped rainbow trout may be retained.

**Explanation:** Catchable rainbow trout planted in Scanewa Lake are now adipose fin-clipped. This change will allow anglers to identify stocked trout and avoid the retention of anadromous salmonid smolts and wild trout. This change is needed to allow the stocked trout fishery to continue in coordination with the anadromous fish reintroduction program.

**Testimony:** None.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#66. Silver Lake Crappie Rules**

**Proposal:** Silver Lake (Cowlitz County) currently has no daily or size limits for crappie. This proposal would place a 10-fish daily limit and a 9' minimum size on crappie from this lake.

**Explanation:** All crappie in Silver Lake congregate in a small, very accessible area in late fall and winter. The crappie population is heavily over-exploited.

**Testimony:** None.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## Region 6

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### #67. Chambers Creek Season and Restrictions

**Proposal:** Currently Chambers Creek Estuary downstream from markers 400' below the Boise Cascade Dam to the Burlington Northern Railroad bridge is open to fishing for salmon and game fish from July 1 – November 15. The minimum size for trout is 14". Anglers may keep 6 salmon, no more than 2 of which may be adults, and wild coho must be released. The creek itself, above the dam, has the standard stream season (June 1- October 31). It is not open for salmon, and has standard size and daily limits for game fish. This proposal would apply the July 1 – November 15 season to the entire creek. It would also add a night closure and a non-buoyant lure restriction to the entire fishery.

**Explanation:** This proposal would standardize the season and night closure rules for trout and salmon in the entire creek, eliminating confusion. Delaying the upper fishery until July 1 will provide protection to yearling chinook that are released into the creek in early spring and pool behind the dam. The night closure should help deter anglers who attempt to snag salmon in shallow creek waters after dark.

**Testimony:** None.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

### #68. Nisqually and Puyallup Watershed Steelhead and Char Protection

**Proposal:** The following changes to the rules for game fish are proposed for streams in the Nisqually and Puyallup watersheds: *Note: other existing rules (such as closed waters, night closures, non-buoyant lure restrictions, salmon seasons) would not be affected by this proposal.*

**Nisqually River:** July 1 – October 31 season, 14" minimum size for trout, selective gear rules above the military tank crossing bridge.

**Mashel River:** July 1 – October 31 season, 14" minimum size for trout, selective gear rules.

**Puyallup River to Electron Power Plant outlet:** July 1 – last day in February season, 14" minimum size for trout.

**Puyallup River above Electron Power Plant outlet:** July 1 – October 31 season, catch-and-release only, and selective gear rules.

**Carbon River mouth to Voight Creek:** July 1 – last day in February season.

**Carbon River Voight Ck to Highway 162 bridge:** July 1 – August 15 and December 1 – last day in February season, (no selective gear rules because of salmon and hatchery steelhead fisheries - trout minimum size of 14" is already in place. Summer closure is for protection of chinook and pink salmon).

**White River mouth to Weyerhaeuser 6000 Bridge:** no changes.

**White River above Weyerhaeuser 6000 Bridge:** July 1 – October 31 season, 14" minimum size for trout, selective gear rules. November 1 – January 31 whitefish only season with whitefish gear rules.

**Greenwater River:** July 1 – October 31 season, 14" minimum size for trout, selective gear rules.

**Clearwater River:** July 1 – October 31 season, 14" minimum size for trout, selective gear rules.

**Explanation:** Populations of wild steelhead and native char are severely depressed, listed (char), or likely to be listed (steelhead) in the two watersheds. Further, ongoing research suggests that "resident" rainbow trout may, in fact, be a critical component of a steelhead population. Research shows that salmonids released in bait-fisheries suffer higher mortality. The proposal provides a high level of protection to the depressed stocks while allowing opportunity for catch-and-release fishing on all species, plus harvest opportunity on hatchery origin steelhead where they occur. The addition of selective gear rules provides protection to juvenile salmon rearing in the same streams (chinook and coho). This is especially critical in the White River where recovery efforts for the listed chinook stock are underway. A consistent opening date of July 1 instead of the usual June 1 provides additional protection to any smolts or adult spawners that may be late in leaving the streams.

**Testimony:**

Conservation Committee of the Washington Fly Fishing Club supports proposal.

I would support this rule change.

I favor these restrictions to protect wild fish.

Wild Steelhead Coalition and Native Fish Society recommend closing season entirely to give the severely depleted wild steelhead population every opportunity to rebound. . Additionally, one WSC member and 4 other anglers wrote in support of the WSC position.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#69. Dosewallips River Seasons**

**Proposal:** Currently, the Dosewallips River (Jefferson County) from the mouth to the Mason County PUD No 1 overhead electrical distribution line is open to a catch-and-release (except up to 2 hatchery steelhead may be retained) fishery for game fish from June 1 – August 31 and from November 1 – last day of February. From the distribution line to Olympic National Park, the season is June 1- the last day of February. This proposal would close all game fish fisheries on August 31. The fishery in all areas would be from June 1 – August 31; catch-and-release for all game fish with selective gear rules. *Note: salmon fisheries are not affected by this proposal.*

**Explanation:** Stocking of hatchery winter steelhead smolts was discontinued in 2003 and no hatchery steelhead adults are expected to return beginning with the 2006-07

season. This regulation will provide additional protection to wild winter steelhead in the Dosewallips River (rated as depressed under ESA).

**Testimony:**

Conservation Committee of the Washington Fly Fishing Club supports proposal.

I favor these restrictions to protect wild fish.

Please amend the season to June 1 – September 30 or October 31. Reason: September is a choice month for fly fishing this river, by locals and visitors. This river has a significant caddis hatch at this time.

Steelhead have been planted here since the early 1950's, so WDFW needs to identify the genetically "wild" population as well as the "hatchery" population before it proposes to limit the season. (see comments on proposal #8). If there has been mixing the total population needs to be taken into account, and if that's the reason for the closure, I support it. But without genetic information, how can we consider the wild run to be in danger? How can you conclude that "this regulation will provide additional protection to wild winter steelhead?"

Wild Steelhead Coalition supports proposal. Additionally, one WSC member and 4 other anglers wrote in support of the WSC position.

South Sound Fly Fishers (90 members) supports the proposed change.

Support.

Native Fish Society supports proposal.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#70. Duckabush River Seasons**

**Proposal:** Currently, the Duckabush River (Jefferson County) from the mouth to the Mason County PUD No 1 overhead electrical distribution line is open to a catch-and-release (except up to 2 hatchery steelhead may be retained) fishery for game fish from June 1 – August 31 and from November 1 – last day of February. From the distribution line to Olympic National Park, the season is June 1- the last day of February. This proposal would close all game fish fisheries on August 31. The fishery in both areas would be from June 1 – August 31; catch-and-release for all game fish with selective gear rules. *Note: salmon fisheries are not affected by this proposal.*

**Explanation:** Stocking of hatchery winter steelhead smolts was discontinued in 2003 and no hatchery steelhead adults are expected to return beginning with the 2006-07 season. This regulation will provide additional protection to wild winter steelhead in the Duckabush River (rated as depressed under ESA).

**Testimony:**

Conservation Committee of the Washington Fly Fishing Club supports proposal.



I favor these restrictions to protect wild fish.

Please amend the season to June 1 – September 30 or October 31. Reason: September is a choice month for fly fishing this river, by locals and visitors. This river has a significant caddis hatch at this time.

Steelhead have been planted here since the early 1950's, so WDFW needs to identify the genetically "wild" population as well as the "hatchery" population before it proposes to limit the season. (see comments on proposal #8). If there has been mixing the total population needs to be taken into account, and if that's the reason for the closure, I support it. But without genetic information, how can we consider the wild run to be in danger? How can you conclude that "this regulation will provide additional protection to wild winter steelhead?"

Wild Steelhead Coalition supports proposal. Additionally, one WSC member and 4 other anglers wrote in support of the WSC position.

South Sound Fly Fishers (90 members) supports the proposed change.

Support.

Native Fish Society supports proposal.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#71. Hamma Hamma River Season**

**Proposal:** Currently the Hamma Hamma River (Jefferson Co) from the mouth to 400' below the falls is open to a catch-and-release (except up to 2 hatchery steelhead may be retained) fishery for game fish from June 1 – August 31 and from November 1 – last day of February. Both fisheries have selective gear rules. This proposal would close the November – February season. The fishery from June 1 – August 31 would be simply catch-and-release for all species.

**Explanation:** The Hamma Hamma wild winter steelhead are not meeting their escapement goal and there are no hatchery steelhead released in the Hamma. In addition, there is a research study funded by the Hatchery Scientific Review Group in place to recover the wild steelhead population (with National Marine Fisheries Service as lead and WDFW, local Tribes, Long Live the Kings, and Hood Canal Salmon Enhancement Group as collaborators) that could be jeopardized if fishing is allowed.

**Testimony:**

Conservation Committee of the Washington Fly Fishing Club supports proposal.

Please amend the season to June 1 – September 30 or October 31. Reason: September is a choice month for fly fishing this river, by locals and visitors. This river has a significant caddis hatch at this time.

Since there is a research effort going on here, I support the closures. I expect the results from the research to shed some light on the mix of “wild” and “hatchery” fish in the river, as determined genetically.

Wild Steelhead Coalition supports proposal. Additionally, one WSC member and 4 other anglers wrote in support of the WSC position.

South Sound Fly Fishers (90 members) supports the proposed change.

Support.

Native Fish Society supports proposal.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#72. Increased Daily Limit for Hatchery Steelhead in Coastal Rivers**

**Proposal:** Increase the daily limit for hatchery steelhead, allowing anglers to retain up to three steelhead per day in the following areas and time periods (*Note: annual/daily limit for wild steelhead would not change*): 1) Hoh River downstream of the Oxbow campground Nov 1- Feb 15; 2) Quillayute River November 1 – last day in February; 3) Bogachiel River mouth to Hwy 101 Bridge November 1 through the last day in February; 4) Calawah River mouth to Hwy 101 Bridge November 1 through the last day in February; 5) Sol Duc River mouth to concrete pump station at Sol Duc Hatchery November 1 through last day in February.

**Explanation:** This proposal is directed at runs of hatchery steelhead that have harvestable surpluses. Hatchery fish are primarily stocked to provide harvest, and WDFW's intent is to maximize their use. Only a relatively small number of returning hatchery steelhead are needed for hatchery production/broodstock each year, and there are no conservation concerns. Other areas may be added to this list by emergency rule if necessary to reduce hatchery surpluses.

**Testimony:** I disagree – the taking of 3 steelhead on the Bogachiel, Calawah, and Quillayute rivers is fine, but the Sol Duc is not a Chambers Creek released fishery. The steelhead which run the Sol Duc are raised from Sol Duc native fish. We do not have a large return of these released steelhead as we see on the Calawah and Bogachiel rivers. This would also place more pressure on the native fish which is not a healthy run. Please do not include the Sol Duc in the three fish category.

Please keep the two fish daily limit. It is tough enough for us old fishermen now to get anything after the mob of boat fishermen and privileged anglers on private property have taken the majority of the fish.

Conservation Committee of the Washington Fly Fishing Club is opposed. Increased pressure will increase mortality on depressed wild steelhead.

King County Outdoor Sports Council supports this rule.

Wild Steelhead Coalition and Native Fish Society oppose proposal. WDFW should plant fewer smolts if some hatchery programs are producing more fish than needed for sport and tribal fisheries. An increase in the hatchery fish limit will increase the daily fishing effort in numbers of individuals and time spent, resulting in a higher catch of wild fish, some which will be taken and some which will die from C&R mortality. The wild fish in December and January are already depleted from the mixed stock fishery and this will further add to their problems. Excerpt from WSC draft report on the Condition of Wild Steelhead in Western WA: "One documented example of lost population diversity in WA is the depletion of the early winter wild runs (Dec and Jan) to the Quillayute and other Olympic Peninsula rivers. Fisheries plans have regulated wild winter stock fisheries throughout western Washington, since the advent of MSH models and of successful hatcheries for a number based abundance (total annual escapement goal) without due consideration for the seasonal components of the run." An independent report (McLachlan 1994) and a report by WDFW staff (1996) both concluded that there has been a significant reduction of the historical December and January runs of wild winter steelhead to the Quillayute River system. WDG Game Bulletins from the 1950's, the last decade before hatchery fish became abundant, show the sport catch to be high and often peaking during January with December the second best fishing month (WDG 1956, 1957). These records show similar early abundances for many other western WA rivers.

The full run timing is not complete from these past records as some rivers were closed during April and catch does not always depict time of river entry. However, enough rivers were open with enough consistency to ascertain that the early runs were a large component of the total. Considerable anecdotal information also attests to the large early winter runs, as well as more abundant summer fish (Goin, 1996, 2004, Price 2005). In the 1960's intense sport fisheries targeting large hatchery runs from late November – January resulted in an intense mixed stock fishery on hatchery and early wild fish, resulting in the depletion of the weaker, less productive run of wild fish.

This scenario occurred on most western WA rivers. Some major rivers in addition to those of the Quillayute system that had strong early runs in the 1950's included the Chehalis, Cowlitz, Elwha, Green, Hoh, Humptulips, Lewis, Naselle, Puyallup, Queets, Quinault, Satsop, Sauk, Skokomish, Skykomish, Snohomish, Snoqualmie, Toutle, Wenatchee and Yakima (WDG Bulletins 1956, 1957). The multiple winter runs, if restored, will improve the genetic diversity, life history diversity, time distribution, productivity and abundance of these early runs and enhance wild steelhead resiliency to unfavorable environmental events and low productive periods." Additionally, one WSC member and 3 other anglers wrote in support of the WSC position.

Oppose: WDFW should plant fewer smolts if some hatchery programs are producing more fish than needed for sport and tribal fisheries.

South Sound Fly Fishers (90 members) sees no sound reason for allowing an increase in the daily limit for hatchery steelhead in these streams.

Clark-Skamania Flyfishers oppose. If some hatchery programs are producing more fish than needed for sport and tribal fisheries, WDFW should plant fewer smolt. We would suggest this strategy throughout the state rather than increasing daily limits which, in our view, not only sends the wrong message regarding conservation but also increases fishing effort which results in increased mortality on wild steelhead.

Oppose – stop planting too many hatchery fish; this will put undue pressure on the wild steelhead.

Olympic Peninsula Guides Association supports the proposal.

See extensive comments on Proposal #9 that also address this proposal.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

### **#73. Upper Dickey River Steelhead Protection**

**Proposal:** Currently, the Dickey River (Clallam County) upstream of the confluence with the EF Dickey is open to fishing for game fish from June 1 – April 30, with a 14” minimum size for trout. This proposal would change the season to June 1- March 15 on the West Fork Dickey River upstream of the confluence with the East Fork Dickey, and the East Fork Dickey River upstream of its intersection with the D5200 Road (all forks).

*Note: lower river fishery, including the retention of 1 wild steelhead, would remain unchanged.*

**Explanation:** The Dickey River steelhead population is relatively small, (20 year mean esc. = 492, range = 143 – 871) and the water above the confluence of the East and West Forks is small; when spawning wild steelhead are present they are easily harassed. Spawning in the Dickey begins in mid-March and continues through April. The majority of the spawning occurs in the East Fork Dickey. The D5200 road intersects the East Fork at a washed out bridge just above its confluence with the West Fork and provides a convenient upper access point and boundary. The Dickey below the confluence of the forks would remain open through April 30 with the opportunity to keep one wild steelhead per season. The proposed change is consistent with how we manage other tributaries.

**Testimony:**

I strongly support the change on the Dickey system to a March 15 closure on the Forks. What about the Middle Fork?

Conservation Committee of the Washington Fly Fishing Club is opposed. Fishing above the forks should be discontinued.

King County Outdoor Sports Council supports this rule.

Wild Steelhead Coalition supports proposal. . Additionally, one WSC member and 4 other anglers wrote in support of the WSC position.

Olympic Peninsula Guides Association supports the proposal.

Native Fish Society supports proposal.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#74. Harvest of Stray Hatchery Steelhead in Bear, Middle and South Fork Nemah, and Palix Rivers**

**Proposal:** The following streams all have catch-and-release fisheries for game fish. This proposal would allow anglers to retain up to 2 hatchery steelhead during these fisheries. Streams affected would be:

**Bear River to Lime Quarry Road** – catch-and-release except up to 2 hatchery steelhead may be retained.

**Bear River upstream of Lime Quarry Rd** - selective gear rules and catch-and-release except up to 2 hatchery steelhead may be retained.

**Middle Fork Nemah mouth to DNR Bridge** - catch-and-release except up to 2 hatchery steelhead may be retained.

**Middle Fork Nemah upstream of the DNR bridge** - selective gear rules and catch-and-release except up to 2 hatchery steelhead may be retained.

**South Fork Nemah - mouth to confluence with Middle Fork** catch-and-release except up to 2 hatchery steelhead may be retained.

**South Fork Nemah above confluence with Middle Fork**- selective gear rules and catch-and-release except up to 2 hatchery steelhead may be retained.

**Palix River from Highway 101 Bridge to confluence of South and Middle Forks** - catch-and-release except up to 2 hatchery steelhead may be retained.

**Palix River upstream of the confluence of South and Middle Forks**- catch-and-release except up to 2 hatchery steelhead may be retained.

**Explanation:** The purpose of these changes is to allow anglers the chance to harvest stray hatchery steelhead that may enter these streams. The catch-and-release fisheries, intended to protect native cutthroat and steelhead stocks, remain, and selective gear rules remain in place where salmon fisheries do not occur.

### **Testimony:**

Conservation Committee of the Washington Fly Fishing Club supports proposal.

I favor these increased opportunities which are not expected to adversely affect wild fish.

Wild Steelhead Coalition supports proposal. . Additionally, one WSC member and 4 other anglers wrote in support of the WSC position.

Native Fish Society supports proposal.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#75. Williams Creek Harvest of Stray Hatchery Steelhead**

**Proposal:** Currently, Williams Creek (Pacific County tributary to N Nemah) is open to a catch-and-release fishery for game fish from June – last day of February, with selective gear rules. This proposal would allow anglers to retain up to 2 hatchery steelhead during this fishery.

**Explanation:** Williams Creek is a tributary to the North Nemah River. The North Nemah is planted with hatchery winter steelhead. If these fish find their way into Williams Creek, anglers should have the opportunity to harvest them during the catch-and-release fishery for other game fish.

**Testimony:**

Conservation Committee of the Washington Fly Fishing Club supports proposal.

I favor these increased opportunities which are not expected to adversely affect wild fish.

Wild Steelhead Coalition supports proposal. . Additionally, one WSC member and 4 other anglers wrote in support of the WSC position.

Native Fish Society supports proposal.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#76. Naselle River – 3 Proposals**

**Proposal 1:** Currently, there is a Closed Waters area in the Naselle River from 200' upstream of the Naselle Salmon Hatchery water supply intake barrier to 400'downstream of the adult attraction channel from July 16 through October 15. This proposal would change the closed area to: from the North Valley Road (Big Hill Bridge) downstream to Highway 4 for the same time period.

**Explanation 1:** This closure is necessary to provide protection for chinook returning to the hatchery. Our enforcement officers have expressed concerns with anglers snagging fish in this area.

**Proposal 1 Testimony:**

Conservation Committee of the Washington Fly Fishing Club supports proposal.

**Modification:** After more discussion with our Enforcement officers, we agree that the beginning date for the Closed Waters can be moved forward to August 16.

**Staff Recommendation:** Adopt as modified.

**Commission Action:** Adopted as modified.

**Proposal 2:** Currently, the fishery in the Naselle River (Pacific Co) from the Highway 101 Bridge to the Highway 4 bridge requires selective gear rules from March 1 – April 15. This proposal would drop the selective gear requirement from the mouth to the confluence with the South Fork. There is also a requirement that anglers must keep their line and bait or lure and weight moving at all times. This proposal would also drop that requirement from the mouth to the confluence with the South Fork.

**Explanation 2:** Selective gear rules (which include no bait) are currently in place in the lower river from Mar.1-Apr. 15 because there is little or no target catch-and-release fishery in this area for wild winter steelhead. However, a popular sturgeon fishery is open in this area year-round and anglers must use bait to fish for them, creating a conflict. The moving gear requirement is not necessary in this area, and also in conflict with the sturgeon fishery.

**Proposal 2 Testimony:**

Conservation Committee of the Washington Fly Fishing Club supports proposal. Wild Steelhead Coalition opposes proposal. Additionally, one WSC member and 3 other anglers wrote in support of the WSC position.

Native Fish Society opposes proposal.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

**Proposal 3:** Currently, the Naselle River, from the North Fork upstream is open to a catch-and-release fishery for game fish, with selective gear rules. This proposal would allow anglers to retain up to two hatchery steelhead during this fishery.

**Explanation 3:** Even though no summer steelhead are planted in the system and most winter run fish have cleared, there still is the possibility of hooking a stray hatchery steelhead or one planted in the Naselle and we would prefer that if a hatchery steelhead is caught, it is removed from the spawning grounds.

**Proposal 3 Testimony:**

Conservation Committee of the Washington Fly Fishing Club supports proposal. I favor these increased opportunities which are not expected to adversely affect wild fish.

Wild Steelhead Coalition supports proposal. . Additionally, one WSC member and 3 other anglers wrote in support of the WSC position.  
Native Fish Society supports proposal.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#77. SF Naselle River Harvest of Stray Hatchery Steelhead**

**Proposal:** Currently, the SF Naselle River (Pacific/Wahkiakum Counties) is open from June 1 – last day of February for game fish and open year-round for sturgeon. For game fish, the entire fishery is catch-and-release, and there is a non-buoyant lure restriction, a night closure, and selective gear rules from August 16 –November 30. This proposal would allow anglers to keep up to 2 hatchery steelhead during the catch-and-release fishery, and drop the selective gear rules requirement. All other rules would remain unchanged.

**Explanation:** This proposal would allow anglers to harvest any stray hatchery steelhead they may hook during the catch-and-release fishery. Removing the requirement for selective gear rules fixes a conflict in the rules, since selective gear rules do not allow bait, and anglers must use bait to fish for sturgeon.

**Testimony:**

Conservation Committee of the Washington Fly Fishing Club supports proposal.

I favor these increased opportunities which are not expected to adversely affect wild fish.

King County Outdoor Sports Council supports this rule.

Wild Steelhead Coalition supports proposal. Additionally, one WSC member and 4 other anglers wrote in support of the WSC position.

Native Fish Society supports proposal.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#78. Salmon Creek Harvest of Stray Hatchery Steelhead**

**Proposal:** Currently, Salmon Creek (Pacific County, tributary to the Naselle River) is open to fishing for game fish June 1 through the last day of February. The fishery is catch-and-release, with selective gear rules. This proposal would allow anglers to retain up to 2 hatchery steelhead during the catch-and-release fishery.

**Explanation:** This proposal would allow anglers to harvest any stray hatchery steelhead they may hook during the catch-and-release fishery.

**Testimony:**

Conservation Committee of the Washington Fly Fishing Club supports proposal.



I favor these increased opportunities which are not expected to adversely affect wild fish.

King County Outdoor Sports Council supports this rule.

Wild Steelhead Coalition supports proposal. . Additionally, one WSC member and 4 other anglers wrote in support of the WSC position.

Native Fish Society supports proposal.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#79. North River Harvest of Hatchery Steelhead**

**Proposal:** Currently the North River (Grays Harbor/Pacific Counties) is open to a catch-and-release fishery for game fish June 1- October 31 with selective gear rules. This proposal would allow anglers to keep up to two hatchery steelhead during this fishery.

**Explanation:** Steelhead are currently planted in the lower North River. They are intended for harvest, so if they move into the upper area, anglers should be allowed to harvest them during the catch-and-release fishery for game fish.

### **Testimony:**

I favor these increased opportunities which are not expected to adversely affect wild fish.

King County Outdoor Sports Council supports this rule.

Wild Steelhead Coalition supports proposal. Additionally, one WSC member and 4 other anglers wrote in support of the WSC position.

Native Fish Society supports proposal.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#80. Willapa River Chinook Protection**

**Proposal:** Currently, the Willapa River (Pacific County) from the Highway 6 Bridge to Fork Creek is open to fishing for game fish from June 1- March 31, and to fishing for sturgeon year-round. This proposal would make this area Closed Waters from July 16 – October 15. From October 16 – November 30, single point barbless hooks would be required, there would be a night closure, and the line and weight and lure or bait must be moving (not stationary). Fishing from a floating device would still be prohibited from the bridge on Willapa Road (Camp One Bridge) to Fork Creek from November 1 – March 31.

**Explanation:** This proposal is intended to provide protection for adult chinook in the vicinity of the hatchery. Our enforcement officers have expressed concerns with anglers snagging fish in this area. This area typically has very low flows throughout the summer until the initial fall rains begin, making the upriver bound chinook very vulnerable to snagging while holding in pools and running shallows between pools.

**Testimony:**

Conservation Committee of the Washington Fly Fishing Club supports proposal.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#81. Upper Willapa River Harvest of Stray Hatchery Steelhead**

**Proposal:** Currently, the Willapa River (Pacific County) from Fork Creek upstream is open August 16 – October 31 for a catch-and-release fishery for game fish, with selective gear rules, a non-buoyant lure restriction, and a night closure. This proposal would allow anglers to keep up to two hatchery steelhead during this fishery.

**Explanation:** this proposal would allow anglers to harvest any stray hatchery steelhead they may hook during the catch-and-release fishery.

**Testimony:**

Conservation Committee of the Washington Fly Fishing Club supports proposal.

I favor these increased opportunities which are not expected to adversely affect wild fish.

King County Outdoor Sports Council supports this rule.

Wild Steelhead Coalition supports proposal. Additionally, one WSC member and 4 other anglers wrote in support of the WSC position.

Native Fish Society supports proposal.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#82. SF Willapa River**

**Proposal:** Currently, the SF Willapa River has a June 1 – last day of February catch-and-release season for game fish (except up to 2 hatchery steelhead may be retained) with a non-buoyant lure restriction and night closure August 16 – November 30. This proposal would add selective gear rules to the fishery from June 1 – October 31.

**Explanation:** This is a fairly small stream throughout much of its length above tidewater. In waters of this size, gradient and channel type, lures (bobber/jigs, spinners and spoons, unscented rubber worms, etc.) are very productive angling methods. This proposed selective gear rule would continue to allow retention of hatchery produced

steelhead strays hooked during the current catch-and-release fishery, while increasing protection of naturally produced steelhead and cutthroat trout. The restriction of bait use to protect naturally produced steelhead and cutthroat trout is consistent with intent current regulations in Willapa Bay drainages (see Williams Creek proposal #75).

**Testimony:**

Conservation Committee of the Washington Fly Fishing Club supports proposal.

I favor these increased opportunities which are not expected to adversely affect wild fish.

Wild Steelhead Coalition supports proposal. Additionally, one WSC member and 4 other anglers wrote in support of the WSC position.

Native Fish Society supports proposal.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#83. Cedar River**

**Proposal:** Currently, the Cedar River (Pacific County) is open under statewide rules. This proposal would make this fishery catch-and release for all game fish except up to 2 hatchery steelhead may be retained, and require selective gear rules.

**Explanation:** Cutthroat trout in this small stream should be protected until their population can be adequately assessed. This proposed rule would allow retention of hatchery steelhead strays hooked during the proposed trout catch-and-release fishery. Additional protection of cutthroat trout would be provided by selective gear rules.

**Testimony:**

I favor these increased opportunities which are not expected to adversely affect wild fish.

Wild Steelhead Coalition supports proposal. Additionally, one WSC member and 4 other anglers wrote in support of the WSC position.

Native Fish Society supports proposal.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#84. Chehalis River Wild Steelhead Retention**

**Proposal:** Currently the Chehalis River is not open to the harvest of wild steelhead. This proposal would allow anglers to retain wild steelhead from the mouth (Highway 101 Bridge in Aberdeen) to Fuller Bridge from March 25 – March 31. The annual limit of one wild steelhead per angler per license year, statewide, would still apply.

**Explanation:** Wild steelhead runsizes in the Chehalis system in the past 6 years (1998/99-2003/04) have averaged 12,256 with wild escapements averaging 11,148. The wild steelhead escapement goal for the system is 8,600 and the preliminary escapement estimate for 2005 is 9,121. This change would allow anglers the opportunity to keep one wild steelhead per person per year if harvestable wild steelhead are forecasted. The fishery will be monitored by creel census staff. In 2005, it was estimated by WDFW that up to 940 wild steelhead could be caught in a 7-day fishery in late March in the Wynoochee, Satsop and Chehalis mainstem combined. This calculation was based on a forecasted wild steelhead runsize of 13,148 in the Chehalis system in 2005. This estimate is considered a maximum because a very high catch rate, measured in the Quillayute system, was applied to a very high estimate of potential fishing effort in the 3 rivers in the Chehalis basin. A similar calculation would be made in 2006 using the 2005/06 wild runsize forecast, but would not include the Satsop.

**Testimony:**

Conservation Committee of the Washington Fly Fishing Club is opposed. The Chehalis system should become a wild steelhead preserve.

I would not support this rule change.

Oppose. Amend: If meeting escapement, instead of a kill fishery, extend the season to include C&R rules only.

I favor these harvest fisheries in cases where the steelhead escapement goal will be met.

King County Outdoor Sports Council supports this rule.

First of all, this regulation should not include the term “wild.” It should be unclipped unless WDFW can furnish genetic data. Same goes for the “wild” runs mentioned in the Wynoochee and Satsop rivers. When WDFW proposes a rule change on steelhead, they need to show the wild/hatchery data on which it is based.

Wild Steelhead Coalition and native Fish Society oppose proposal. Instead of a kill fishery, if meeting escapement goals, extend the season to C&R selective gear rules and create extended angler opportunity. Additionally, one WSC member and 4 other anglers wrote in support of the WSC position.

South Sound Fly Fishers (90 members) says it is gratifying to note the estimated wild steelhead escapement in coastal rivers is improving. However, we believe the killing of wild steelhead should be postponed until a longer-term trend (5 or more years) positively indicates improvement in the wild runs, and the department’s Wild Steelhead

Management Plan is publicly reviewed and adopted. Once wild runs are in a maintenance mode, selective harvesting could be reconsidered.

I would also like to comment on the proposed wild winter steelhead retention on the Chehalis, Wynoochee, and Humptulips rivers. Though I feel that the escapement goals of all of these river systems are unacceptably low, I might support the proposed fishery on the Humptulips, but not on the Wynoochee and Chehalis rivers. The numbers may support a limited fishery on the main stem Chehalis, but not if you factor in the escapements of wild steelhead on a number of Chehalis tributaries that would certainly be affected by this fishery. Are the West Fork Satsop, Newaukum river, and Skookumchuck river wild winter steelhead runs strong enough to justify this fishery? As far as the Wynoochee is concerned, those wild steelhead face quite a bit of pressure due to the dam and the late winter hatchery steelhead fishery. Not only the fishery itself, but the potential negative effects of interbreeding between wild and hatchery fish on the population. In any case, I question any fishery that has to be limited to a few days or a week. If we are not going to manage our wild steelhead runs at levels that can sustain a limited fishery over the entire season, then we should not have a fishery on them. Start managing our wild stocks at levels that can sustain both a tribal and sport fishery, and I will be in full support of wild steelhead retention on these rivers. I urge some caution in opening up the Wynoochee, Chehalis, and Humptulips to wild winter steelhead retention. Don't do it just because some people are pissed about the tribal net schedules. Put the fish first.

Oppose. These rivers are just coming back and you want to start killing more wild steelhead; haven't you heard testimony the past 4 years against this? Extend C&R and selective gear rules to provide more opportunity. The more you kill the less you have to return— isn't that a simple concept! Killing 30 hatchery fish should be plenty for one person.

**Staff Recommendation:** Do not adopt. Due to uncertainties about the level of fishing effort this change would generate, and the fact that preseason wild run size prediction methodologies have not performed reliably in recent years, we do not recommend a permanent rule for a harvest fishery at this time.

**Commission Action:** Proposal was not adopted.

## **#85. Humptulips River Wild Steelhead Retention**

**Proposal:** Currently the Humptulips River is not open to the harvest of wild steelhead. This proposal would allow anglers to retain wild steelhead from the mouth (Jessie Slough) to the Highway 101 Bridge from March 29 – March 31. The annual limit of one wild steelhead per angler per license year, statewide, would still apply.

**Explanation:** The Humptulips River has met escapement goals for the last 3 years, averaging 3,021 per year. The preliminary escapement estimate for 2005, is 2,060 (goal is 1,600). This proposal would allow anglers the opportunity to keep one wild steelhead per person per year if harvestable wild steelhead are forecasted. The fishery will be

monitored by creel census staff. In 2005, it was estimated by WDFW that up to 183 wild steelhead could be caught in a 3-day fishery in late March. This calculation was based on a forecasted wild steelhead runsize of 3,249 in the Humptulips system in 2005. This estimate is considered a maximum because a very high catch rate, measured in the Quillayute system, was applied to a very high estimate of potential fishing effort in the Humptulips. A similar calculation would be made in 2006 using the 2005/06 wild runsize forecast.

**Testimony:**

Conservation Committee of the Washington Fly Fishing Club is opposed. The Humptulips River should become a wild steelhead preserve.

I do not support this potential rule change. The opportunity to fish when there are greater numbers of fish and the most diverse population would be my goal. Oppose. Amend: If meeting escapement, instead of a kill fishery, extend the season to include C&R rules only.

I would like to see the Humptulips (including the West Fork) steelhead season extended to March 31 but for catch-and-release of wild steelhead. The West Fork has closed at the end of February every season since 2000. I have fished that area for many years and there are some very large native steelhead that enter the West Fork in March. I would very much like to have the opportunity to fish for those wonderful fish in March again but I have no desire to kill them.

I favor these harvest fisheries in cases where the steelhead escapement goal will be met.

King County Outdoor Sports Council supports this rule.

Wild Steelhead Coalition and Native Fish Society oppose proposal. Instead of a kill fishery, if meeting escapement goals, extend the season to C&R selective gear rules and create extended angler opportunity. Additionally, one WSC member and 4 other anglers wrote in support of the WSC position.

South Sound Fly Fishers (90 members) says it is gratifying to note the estimated wild steelhead escapement in coastal rivers is improving. However, we believe the killing of wild steelhead should be postponed until a longer-term trend (5 or more years) positively indicates improvement in the wild runs, and the department's Wild Steelhead Management Plan is publicly reviewed and adopted. Once wild runs are in a maintenance mode, selective harvesting could be reconsidered.

I would also like to comment on the proposed wild winter steelhead retention on the Chehalis, Wynoochee, and Humptulips rivers. Though I feel that the escapement goals of all of these river systems are unacceptably low, I might support the proposed fishery on the Humptulips, but not on the Wynoochee and Chehalis rivers. The numbers may support a limited fishery on the main stem Chehalis, but not if you factor in the escapements of wild steelhead on a number of Chehalis tributaries that would certainly

be affected by this fishery. Are the West Fork Satsop, Newaukum river, and Skookumchuck river wild winter steelhead runs strong enough to justify this fishery? As far as the Wynoochee is concerned, those wild steelhead face quite a bit of pressure due to the dam and the late winter hatchery steelhead fishery. Not only the fishery itself, but the potential negative effects of interbreeding between wild and hatchery fish on the population. In any case, I question any fishery that has to be limited to a few days or a week. If we are not going to manage our wild steelhead runs at levels that can sustain a limited fishery over the entire season, then we should not have a fishery on them. Start managing our wild stocks at levels that can sustain both a tribal and sport fishery, and I will be in full support of wild steelhead retention on these rivers. . I urge some caution in opening up the Wynoochee, Chehalis, and Humptulips to wild winter steelhead retention. Don't do it just because some people are pissed about the tribal net schedules. Put the fish first.

Oppose. These rivers are just coming back and you want to start killing more wild steelhead; haven't you heard testimony the past 4 years against this? Extend C&R and selective gear rules to provide more opportunity. The more you kill the less you have to return—isn't that a simple concept! Killing 30 hatchery fish should be plenty for one person.

**Staff Recommendation:** Do not adopt. Due to uncertainties about the level of fishing effort this change would generate, and the fact that preseason wild run size prediction methodologies have not performed reliably in recent years, we do not recommend a permanent rule for a harvest fishery at this time.

**Commission Action:** Proposal was not adopted.

## **#86. Wynoochee River Wild Steelhead Retention**

**Proposal:** Currently the Wynoochee River is not open to the harvest of wild steelhead. This proposal would allow anglers to retain wild steelhead from the mouth to White Bridge WDFW boat launch from March 25 – March 31. The annual limit of one wild steelhead per angler per license year, statewide, would still apply.

**Explanation:** The Wynoochee River has met wild steelhead escapement goals for the last 11 years, averaging 2,214. The preliminary wild steelhead escapement estimate for 2005, is 1,812 (goal is 1,260). This proposal would allow anglers the opportunity to keep one wild steelhead per person per year if harvestable wild steelhead are forecasted. The fishery will be monitored by creel census staff. In 2005, it was estimated by WDFW that up to 940 wild steelhead could be caught in a 7-day fishery in late March in the Wynoochee, Satsop and Chehalis mainstem combined. About a third of these fish would be expected to be caught in the Wynoochee. This calculation was based on a forecasted wild steelhead runs size of 13,148 in the Chehalis system in 2005. This estimate is considered a maximum because a very high catch rate, measured in the Quillayute system, was applied to a very high estimate of potential fishing effort in the 3 rivers in the Chehalis basin. A similar calculation would be made in 2006 using the 2005/06 wild runs size forecast, but would not include the Satsop.

**Testimony:**

Conservation Committee of the Washington Fly Fishing Club is opposed. The Wynoochee River should become a wild steelhead preserve.

I do not support this proposal. I would support catch-and-release only on all wild steelhead statewide. I would not support change to limit of 5 retained wild steelhead.

Oppose.

I favor these harvest fisheries in cases where the steelhead escapement goal will be met.

King County Outdoor Sports Council supports this rule.

Wild Steelhead Coalition and native Fish Society oppose proposal. Instead of a kill fishery, if meeting escapement goals, extend the season to C&R selective gear rules and create extended angler opportunity. Additionally, one WSC member and 4 other anglers wrote in support of the WSC position.

South Sound Fly Fishers (90 members) says it is gratifying to note the estimated wild steelhead escapement in coastal rivers is improving. However, we believe the killing of wild steelhead should be postponed until a longer-term trend (5 or more years) positively indicates improvement in the wild runs, and the department's Wild Steelhead Management Plan is publicly reviewed and adopted. Once wild runs are in a maintenance mode, selective harvesting could be reconsidered.

I would also like to comment on the proposed wild winter steelhead retention on the Chehalis, Wynoochee, and Humptulips rivers. Though I feel that the escapement goals of all of these river systems are unacceptably low, I might support the proposed fishery on the Humptulips, but not on the Wynoochee and Chehalis rivers. The numbers may support a limited fishery on the main stem Chehalis, but not if you factor in the escapements of wild steelhead on a number of Chehalis tributaries that would certainly be affected by this fishery. Are the West Fork Satsop, Newaukum river, and Skookumchuck river wild winter steelhead runs strong enough to justify this fishery? As far as the Wynoochee is concerned, those wild steelhead face quite a bit of pressure due to the dam and the late winter hatchery steelhead fishery. Not only the fishery itself, but the potential negative effects of interbreeding between wild and hatchery fish on the population. In any case, I question any fishery that has to be limited to a few days or a week. If we are not going to manage our wild steelhead runs at levels that can sustain a limited fishery over the entire season, then we should not have a fishery on them. Start managing our wild stocks at levels that can sustain both a tribal and sport fishery, and I will be in full support of wild steelhead retention on these rivers. I urge some caution in opening up the Wynoochee, Chehalis, and Humptulips to wild winter steelhead retention. Don't do it just because some people are pissed about the tribal net schedules. Put the fish first.



Oppose. These rivers are just coming back and you want to start killing more wild steelhead; haven't you heard testimony the past 4 years against this? Extend C&R and selective gear rules to provide more opportunity. The more you kill the less you have to return— isn't that a simple concept! Killing 30 hatchery fish should be plenty for one person.

**Staff Recommendation:** Do not adopt. Due to uncertainties about the level of fishing effort this change would generate, and the fact that preseason wild run size prediction methodologies have not performed reliably in recent years, we do not recommend a permanent rule for a harvest fishery at this time.

**Commission Action:** Proposal was not adopted.

## **#87. Wynoochee River Selective Gear Rules**

**Proposal:** Currently the Wynoochee River from the 7400 Line Bridge above the mouth of Schafer Creek upstream is open to fishing for game fish June 1 – October 31 with selective gear rules and a 14" minimum size for trout. This proposal would drop the selective gear rule requirement for this fishery. (*Note: December-March season remains unchanged*)

**Explanation:** Removing the selective gear requirement in the summer season will allow anglers increased opportunity to harvest surplus hatchery summer steelhead, by allowing anglers to fish from a floating device equipped with a motor, and to fish with bait.

**Testimony:**

Conservation Committee of the Washington Fly Fishing Club is opposed.

Oppose. Current regulation allows for steelhead refuge and provides diverse angler opportunity on an already overcrowded river.

I support adoption of this rule change. It is biologically sound and provides increased angler opportunity.

Wild Steelhead Coalition and Native Fish Society oppose proposal. Current regulation allows for steelhead refuge and provides diverse angler opportunity on an already overcrowded river. Additionally, one WSC member and 4 other anglers wrote in support of the WSC position.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#88. Wishkah River Salmon Season**

**Proposal:** Currently, the Wishkah River (Grays Harbor County) is open to salmon fishing from the mouth to the West Fork from October 1 – November 30. This proposal would make the salmon season October 1 – December 31 from the mouth to 200 feet below the weir at the Long Live the Kings/Mayr Brothers facility.

**Explanation:** This proposal is intended to help anglers remove surplus coho that are currently straying upriver to the old Mayr Brothers facility (Long Live The Kings) from the existing net pen project in the lower river. Additionally, we are now releasing coho directly from this facility. The extra fishing opportunity provided by this proposal will also help anglers harvest the anticipated increased number of coho returning to the hatchery.

**Testimony:**

I support this change.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#89. Anderson Lake**

**Proposal:** Currently, Anderson Lake (Jefferson County) is open to fishing for game fish from the last Saturday in April - August 31 (fishing from a floating device equipped with a motor is prohibited) and to a catch-and-release fishery for game fish from September 1 – October 31, with selective gear rules. This proposal would allow anglers to retain game fish other than trout during the September 1 – October 31 fishery.

**Explanation:** Allowing anglers to keep other game fish in September and October will increase harvest of bass. Management of Anderson Lake is focused on trout and depends on good fingerling survival for a successful fishery. This regulation is intended to reduce the largemouth bass population.

**Testimony:** None.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#90. Spanaway Lake Bass Rule- Housekeeping**

**Proposal:** Spanaway Lake (Pierce County) is listed in the pamphlet as having statewide rules for gamefish, including bass, which is our intent. However, the actual rule language repeats the statewide rule again in the section for Spanaway Lake, which is not necessary. This housekeeping proposal would do away with this redundancy.

**Explanation:** This is strictly a housekeeping proposal to delete extraneous language from the rules; it does not change the rule or the way it would be enforced.

**Testimony:** None.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **New Proposal – Clover Creek**

**Proposal:** Delete the entry for Clover Creek (Pierce Co. – within the boundaries of McChord Air Force Base) in the WAC.

**Explanation:** Fishing rules for waters on the McChord AFB are developed by Air Force personnel. So for a creek like Clover Creek, with areas both on and off the base, there can be two different sets of fishing rules, depending on what part of the creek you are fishing. McChord has recently developed a new set of rules for Carter Lake, Morey Pond, and the portions of Clover Creek and Morey Creek that are within the base. Rather than adopt these rules into the WAC, we recommend dropping the rule for the portion of Clover Creek that is on base. This is consistent with our treatment of other areas, such as Fort Lewis and various National Parks that also set their own rules. A notation could be placed in the fishing pamphlet (near the similar one that already exists for Fort Lewis) explaining that anglers should check with the base for rules and a fishing permit before attempting to fish on base. The portions of Clover Creek and Morey Creek that are not on base would continue to be covered under the general statewide rules for streams (June 1 – Oct 31 season, daily limit 2 trout, minimum size 8", etc.)

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

# Marine Area Rules

## #91. Catch Record Card Required for Halibut in All Marine Areas

**Proposal:** This proposal would require anglers to record on their catch record card all Pacific halibut retained from Marine Areas 1-13, beginning April 1, 2006.

**Explanation:** Currently, anglers are required to record on their catch record cards any Pacific halibut caught in Marine Areas 5-13. The Department is considering several proposed changes to the recreational halibut regulations for next year through the Pacific Fishery Management Council (PFMC) process that takes place in the fall. One of the proposed changes being considered through the Pacific Council process is an annual limit for halibut of five fish per angler. This limit would apply statewide to halibut caught in U.S. waters. Because the Department's catch record card would be used as a catch monitoring system and enforcement tool for this annual limit, the requirement to record Pacific halibut on catch record cards would need to be expanded to all Marine Areas. This change necessitates an amendment to the WDFW rule for the catch record card usage (if the annual limit proposal is adopted by the Council) and requires approval by the Fish and Wildlife Commission.

### **Testimony:**

I am strongly opposed to the proposed change for an annual limit for halibut of five fish per angler. The Pacific halibut fishery has had viable and sustainable catch levels over the years. It has provided angling and business opportunities throughout the north sound, Strait of Juan de Fuca, and Washington coast. Our rockfish population is severely depressed, yet no annual limit has been set for these. Lingcod has rebounded in recent years with no annual limit. Information on these two species via a catch record card would probably be very helpful to WDFW and anglers. Could this proposal be the result of the rapid poundage limit being acquired in MA 3 and 4? If so, the rest of the Washington coast and inland marine waters would suffer the limitations.

I am strongly opposed to the proposed change for an annual limit for halibut of five fish per angler. A catch record card for halibut in all marine areas would give you better and more accurate data to evaluate. The Pacific halibut fishery has had viable and sustainable catch levels over the years. It has provided angling and business opportunities throughout the north sound, Strait of Juan de Fuca, and Washington coast.

**Staff Recommendation:** Adopt as proposed. Although the proposal for an annual limit was not adopted by the Council, WDFW would still like to use the CRC as a tool to gain information on the halibut fishery in all Marine Areas. *Note: this rule should take effect April 1, 2006, to match up with the annual time periods for licenses and Catch Record Cards.*

**Commission Action:** Adopted as proposed.

## **#92. Clarification of Rule for Bringing Canadian-Caught Fish in to the US**

**Proposal:** Current law says you may not fish while in possession of fish that would be illegal if taken from the area where you are fishing. The possession rule applies anywhere except at a permanent residence. This proposal would amend the rule by adding, adding “It is unlawful for a person to fish for or possess bottomfish while in possession in the field of more than two Canadian halibut, but is lawful to fish for salmon” and “It is unlawful for a person to fish for food fish while in possession in the field of Canadian salmon that do not meet the possession requirements for the area being fished unless the salmon are possessed at a shoreside facility.” This proposal would also make it unlawful to land Canadian-caught yelloweye or canary rockfish into a Washington port.

**Explanation:** If a person goes to Canada and catches the legal halibut possession limit (3 fish), those fish would be illegal if taken in Washington (2 fish possession limit). A strict reading of the rule means the person may not fish for any food fish or shellfish unless the three Canadian halibut are returned to the person’s primary residence. Similarly, Canada has different size limits for salmon, and possession limits for salmon. A person with a wild chinook, legal in Canada, could not fish for bottomfish in a selective fishery area of Washington until the chinook is back at the residence. A person who catches a legal Canadian chinook (18.25 inches) would be in violation in all Puget Sound waters if they fished while in possession of this fish (Washington minimum 22 inches), even if the person has cleared Canadian custom. This proposal would allow these people to fish in Washington waters after taking their Canadian catch to a shoreside facility, rather than requiring them to take them all the way to their residence. The provision against landing canary or yelloweye rockfish discourages the increasing practice of Washington-based fishers making bottom-fishing trips to Canadian waters and landing such species into Washington ports – a practice that is in conflict with our recovery efforts for these two species.

**Testimony:** None.

**Modification:** Unlawful to possess yelloweye or canary rockfish taken for personal use from Canadian waters. Anglers may possess only one daily limit of halibut, regardless of the origin. Daily limit is 2 halibut if taken from Canadian waters or one halibut taken from Washington waters. Possession limit is 2 halibut if at least one was taken from Washington waters and 3 if all three were taken from Canadian waters. On a vessel, anglers may possess only one daily limit of halibut. If the vessel operator has a valid Canadian license, fishers aboard may deliver Canadian-origin salmon into WA that are legally taken in Canada, regardless of whether they meet the current salmon regulations for the area where delivered, if the vessel operator has a valid Canadian customs clearance number. Anglers may not fish in WA waters with fish aboard that do not meet current salmon regulations for the area being fished.

**Staff Recommendation:** Adopt as modified.

**Commission Action:** Adopted as modified.

### **#93. Forage Fish Dip Net Mesh**

**Proposal:** The current rule states that the mesh size for forage fish dip nets may not exceed ½". This proposal would change the maximum size to 5/8".

**Explanation:** The current mesh size has caused difficulty as it is not readily available. The change would authorize the use of mesh that is currently in use but illegal. There is not an anticipated impact to bycatch of other species.

**Testimony:** None.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

### **#94. Agate Pass Fishery**

**Proposal:** Currently, for protection of the true cod population in Agate Pass, there is a closure to fishing in the waters west of a line from Point Monroe to Indianola and east of a line from Point Bolin to Battle Point from January 1 – March 31. This proposal would allow anglers to fish during the closure, with fly fishing only rules, and catch-and-release for all species. Additionally, use of lead-core line would not be allowed.

**Explanation:** This proposal would allow anglers to fly fish (catch-and-release) for sea-run cutthroat and coho salmon in this area during the otherwise closed period. Restricting anglers to fly fishing gear (and no lead-core lines) will continue to protect the true cod population.

**Testimony:**

Conservation Committee of the Washington Fly Fishing Club strongly supports proposal. No evidence exists that a catch and release fly fishing season would impact cod.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

# Shellfish Rules

## #95. Shrimp Harvest by Divers in Marine Area 8-2

**Proposal:** Marine Area 8-2 is currently open for recreational shrimp fishing on the first Saturday in May from 7:00 a.m. to 3:00 p.m., and on additional Saturdays and Wednesdays (same hours) until May 31 or when the quota has been taken. This proposal would allow divers to harvest shrimp by hand or hand-held device in Marine Area 8-2 from 7:00 p.m. until midnight, any open day in May.

**Explanation:** Traditionally, there has been a small night-time dive fishery for spot shrimp in the Mukilteo area. However, the adoption in 2005 of the new shrimp-fishing hours of 7:00 a.m. to 3:00 p.m. has precluded this fishery. This is because spot shrimp move into deep water during the day, where they cannot be reached by recreational divers. After dark, the shrimp move shoreward, where they can be accessed by divers. The estimated harvest in 2005 (fishery opened by emergency rule) was 147 pounds (pot fishery harvest was about 10,000 pounds), and it is expected to remain relatively low in the future.

**Testimony:**

I support this proposal. Seven pm to midnight is a reasonable and effective time period for scuba diving. Hand-held apparatus, nets and bags, are also reasonable stipulations.

Thank you for the proposal.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## #96. Clarification of Shrimp Pot Mesh Rules

**Proposal:** The current rule states that during the month of May in Area 4 east of the Bonilla-Tatoosh line and in Marine Areas 5 – 13, the minimum mesh size for shrimp pots is a mesh where a 7/8" square peg will pass through each opening. This proposal would add "except for flexible (web) mesh pots where the opening must be a minimum of 1 3/4" stretch measure. Stretch measure is defined as the distance between the inside of one knot to the outside of the opposite vertical knot of one mesh when the mesh is stretched vertically."

In addition, June 1- October 15 in Marine Areas 5 – 13, it is unlawful to use mesh for shrimp pots of less than 1/2" except in entrance tunnels. This proposal would add "except for flexible (web) mesh pots where the opening must be a minimum of 1 1/8" stretch measure. Stretch measure is defined as the distance between the inside of one knot to the outside of the opposite vertical knot of one mesh when the mesh is stretched vertically."

**Explanation:** This is a housekeeping measure to help clarify the current shrimp pot mesh size restrictions. Under the current rule, many flexible (web) pots in use are technically illegal, because although a peg of the proper size will pass through most of the meshes, it will not pass through some of the meshes around the frame, etc. The

stretch measure is more appropriate for these types of pots, as the intent is to allow these pots to be used if the overall mesh size is large enough.

**Testimony:** None.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#97. Maximum Size for Crab Pots**

**Proposal:** Currently, there is a maximum size for ocean commercial crab pots, but no maximum for sport pots. This proposal would apply the ocean commercial crab pot size limit (which is thirteen cubic feet) to recreational pots.

**Explanation:** There is a relationship between the size of the pot and its effectiveness at catching crabs. As other restraints on the recreational fishery are instituted to slow down the fishery, crabbers will look to ways to improve their personal fishing performance and an obvious move would be to increase the size of the trap. This would forestall any escalation in recreational effectiveness before the creation of a problem. This proposal is also being considered for Puget Sound commercial crab pots.

**Testimony:** We applaud the Department's efforts to establish a maximum size for recreational crab pots, noting that recent increases in fishing efficiency have led to more restrictive regulations on the recreational crab fishery in an effort to slow the harvest and extend the fishery. Establishing a maximum size for recreational pots will compliment the Department's efforts in this regard.

We question the wisdom, however, of allowing a maximum recreational pot size equal to the ocean commercial pots. McKay or Ladner type crab pots are the most popular recreational pots to use within Puget Sound, and the volume of these pots range from 4.5 cubic feet to 6.26 cubic feet. Allowing recreational fishers to use pots with a volume of up to 13 cubic feet will defeat previous measures implemented by WDFW to limit recreational efficiencies. Setting the recreational pot size to something less than that of commercial pots should also facilitate regulation enforcement on the water. For these reasons, we recommend that the maximum recreational pot size be set at 8 cubic feet. This limit will allow the continued use of the most popular pot types and place a practical limit on recreational pot efficiency. Randy Harder, Executive Director, Point No Point Treaty Council.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.



## **#98. Daily Limit for Squid**

**Proposal:** The current daily limit for squid is 10 pounds or 5 quarts. This proposal would make the daily limit 10 pounds or 5 quarts, plus up to 5 Humboldt squid.

**Explanation:** In 2004 large number of Humboldt squid appeared in our waters. There was recreational fishery interest in catching these animals, but one Humboldt squid can easily weight more than 10 pounds. An emergency rule was enacted which allowed for their retention. The squid are here in the late summer, apparently as a result of warm waters and their presence may become more regular. Allowing five of these squid to be retained per day would not pose a conservation problem.

**Testimony:** None.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#99. Belfair State Park Clam and Oyster Harvest**

**Proposal:** This proposal adds Belfair State Park to the list of beaches with specific seasons for sport clam and oyster harvest. The season would be closed at first, until Washington Department of Health approves the beach for sport harvest, and approval is obtained from Washington Parks & Recreation Commission. Once approved, WDFW would set annual sport clam seasons there as on other public beaches.

**Explanation:** Belfair State Park has been closed since 1987 to all clam and oyster harvest by Washington State Parks, due to pollution. Water quality is expected to improve dramatically with a new sewer system, however, and Washington Department of Health is likely to approve the public beach for harvest. If this happens and with approval by Washington Parks & Recreation Commission, our agency will need to establish a sport clam season. This change adds Belfair State Park to the list of beaches with seasons, allowing that to happen.

**Testimony:** None.

### **Staff Recommendation:**

The Department of Health is expected to health-certify this beach in soon, and we recommend a year-round oyster season following that health certification. However, no clam population survey has yet been conducted, and we therefore recommend that the beach be closed for clams until a survey can be completed this spring or summer.

**Commission Action:** Adopted as recommended.

## **#100. Eagle Creek Oyster Season**

**Proposal:** Eagle Creek (on Hood Canal) is currently open year-round to the harvest of oysters. This proposal would set a specific season for the harvest of oysters from this beach.

**Explanation:** Eagle Creek currently has an oyster population adequate for a year-round sport fishery, in part due to enhancement by WDFW. The oyster population is declining,

however, and if this trend continues we will need to establish a shorter sport oyster season there. This change would allow flexibility in assigning a sport oyster to Eagle Creek in the future.

**Testimony:** None

**Staff Recommendation:** Do not adopt. We asked for a "placeholder" for Eagle Creek in anticipation that we might need to shorten the season in the future. This was based on an ongoing downward trend in the oyster population, reduced enhancement effort and a series of years of significant tribal overharvest. However, for 2006 the oyster population at Eagle Creek can sustain a year-round season, so no change is warranted at this time.

**Commission Action:** Proposal was not adopted.

## **#101. Fort Flagler State Park, Oak Bay County Park Oyster Seasons**

**Proposal:** Currently, these two beaches are open year-round for the harvest of oysters, although they do have specific seasons for the harvest of clams. This proposal would make the oyster season coincide with the clam season on each of these beaches.

**Explanation:** Fort Flagler State Park and Oak Bay County Park have little natural production of oysters, but extensive clam populations. They have limited clam seasons, but year-round seasons for oysters. This presents a loophole making it easy for clam harvesters to claim they are picking oysters, and consequently an enforcement problem. This change would permit annual sport oyster seasons to be set on these two beaches, which would coincide with the sport clam seasons. This change is consistent with the regulatory approach on many other beaches with little or no natural production of oysters.

**Testimony:** None.

**Staff Recommendation:** To coincide with clam seasons on these beaches, adopt a season of April 1 through July 15 for oysters at Fort Flagler State Park, and a season of July 1 through July 31 for oysters at Oak Bay County Park. *See below for clam seasons and explanations.*

**Commission Action:** Adopted as recommended.

## **#102. Potlatch DNR Tidelands**

**Proposal:** Currently, harvest of Unclassified Marine Invertebrates (UMIs) such as moon snails and shore crabs is allowed at Potlatch DNR Tidelands. This proposal would prohibit UMI harvest from this beach.

**Explanation:** The taking of Unclassified Marine Invertebrates (UMIs) is permitted in most Washington state public tidelands, except for State Park tidelands, where the taking of UMIs is specifically prohibited. Potlatch DNR Tidelands is situated directly between two State Park tidelands (Potlatch State Park and Potlatch East State Park), making it almost impossible to effectively enforce the prohibition on UMI harvest in the Park tidelands. Harvesters simply claim they took UMIs on the DNR tidelands. This change prohibits harvest of UMIs on Potlatch DNR Tidelands, making for a single, consistent regulation at all three adjacent beaches. This will allow effective enforcement, and end confusion on the part of harvesters.

**Testimony:** None.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **Additional Changes to Clam and Oyster Seasons**

### **Clam Season Changes**

#### **DNR 57-B Brown Point:**

**Proposal:** Open year-round.

**Explanation:** Current Regulation: Open January 1 through July 15. The state's share has not been exploited in recent years due to the closure of the road access, and the clam resource can support a year-round season.

**Staff Recommendation:** Adopt as proposed.

#### **Cutts Island State Park:**

**Proposal:** Open year-round.

**Explanation:** Current Regulation: Open January 1 through June 15. The state and Tribes agreed this year to move this boat-access-only beach to passive management due to extremely low levels of sport effort. This beach can therefore be deleted from the WAC.

**Staff Recommendation:** Adopt as proposed.

#### **Dosewallips State Park:**

**Proposal:** Open May 15 through July 31.

**Explanation:** Current Regulation: Open May 1 through July 15. Surveys indicate that sport effort continues to increase at this popular park. We were able to negotiate a trade for some of the tribal calm share, but not enough to maintain the current season. Parks has asked that the season continue to be structured to include the Fourth of July weekend, which this recommendation does.

**Staff Recommendation:** Adopt as proposed.

**Fort Flagler State Park:**

**Proposal:** Open April 1 through July 15.

**Explanation:** Current Regulation: Open April 15 through June 30. Surveys show an increase in the clam population for the third year in a row, and a longer sport season is justified. The extended season continues to allow the beach to be open during “Free Fishing Weekend” per State Parks wishes. *See proposal #101 for concurrent oyster season.*

**Staff Recommendation:** Adopt as proposed.

**Freeland County Park**

**Proposal:** Open January 1 through May 15.

**Explanation:** Current Regulation: Open January 1 through May 31. This is almost exclusively a manila clam beach with some ongoing WDFW enhancement. While the manila clam population has remained steady over the past several years effort has been increasing. (from an estimated 1,871 harvester trips in 2004 to 4,296 in 2005).

**Staff Recommendation:** Adopt as proposed.

**Illahee State Park:**

**Proposal:** Open April 1-through July 31.

**Explanation:** Current Regulation: Open May 1 through May 31. We successfully negotiated with Tribes to move this beach to passive management, allowing us to set clam seasons based on the enhanced geoduck bed, which can easily withstand a four-month season coinciding with the oyster season.

**Staff Recommendation:** Adopt as proposed.

**Kitsap Memorial State Park:**

**Proposal:** Open May 15 through June 15.

**Explanation:** Current Regulation: Open May 15 through June 30. Sport effort is increasing at this beach, requiring that the clam season be shortened by two weeks.

**Staff Recommendation:** Adopt as proposed.

**Oak Bay County Park:**

**Proposal:** Open July 1 through July 31.

**Explanation:** Current Regulation: Open July 15 through July 31. This beach usually supports only a two-week season due to its small size and high sport effort. A negotiated trade with the Tribes allows for a two-week extension to the season. *See proposal #101 for concurrent oyster season.*

**Staff Recommendation:** Adopt as proposed.

**Penrose Point State Park:**

**Proposal:** Open March 1 through May 31.

**Explanation:** Current Regulation: Open April 1 through May 15. Projected sport effort, based on annual surveys, show that the clam resource on this beach can support a six-week extension.

**Staff Recommendation:** Adopt as proposed.

**Point Whitney Tidelands (excluding Lagoon):**

**Proposal:** Open March 1 through July 31.

**Explanation:** Current Regulation: Open March 1 through April 15. Surveys show a significant increase in the clam population, in part due to successful enhancement efforts, and a longer sport clam season is justified.

**Staff Recommendation:** Adopt as proposed.

**Point Whitney Lagoon:**

**Proposal:** Open August 1 through August 31.

**Explanation:** Current Regulation: Open April 15 through May 15. The delayed season opening continues the trend of having the Lagoon open immediately after the Tidelands close, and continues the one-month season.

**Staff Recommendation:** Adopt as proposed.

**Port Townsend Ship Canal/Portage Canal:**

**Proposal:** Open January 1 through May 31.

**Explanation:** Current Regulation: Open January 1 through June 30. Surveys indicate a decrease in the butter clam population on this beach, requiring a one-month shortening of the season. The long season at adjacent South Indian Island County Park will easily accommodate local sport effort from this beach.

**Staff Recommendation:** Adopt as proposed.

**Potlatch DNR Tidelands:**

**Proposal:** Open April 1 through August 31.

**Explanation:** Current Regulation: Open April 1 through June 15. The clam season at this beach should coincide with the season at adjacent Potlatch State Park (see below), and the clam population will easily accommodate the extended season.

**Staff Recommendation:** Adopt as proposed.

**Potlatch East:**

**Proposal:** Open April 1 through August 31.

**Explanation:** Current Regulation: Open April 1 through June 15. The clam season at this beach should coincide with the season at adjacent Potlatch State Park (see below), and the clam population will easily accommodate the extended season.

**Staff Recommendation:** Adopt as proposed.

**Potlatch State Park:**

**Proposal:** Open April 1 through August 31.

**Explanation:** Current Regulation: Open April 1 through June 15. Surveys indicate an increase in the clam population, and a large negotiated trade with the Skokomish Tribe will further add to the state's share on this beach.

**Staff Recommendation:** Adopt as proposed.

**Rendsland Creek:**

**Proposal:** Open January 1 through May 31.

**Explanation:** Current Regulation: CLOSED. Surveys indicate an increase in the clam population, and a negotiated trade with the Skokomish Tribe further adds to the state's share on this beach, justifying an extended sport season.

**Staff Recommendation:** Adopt as proposed.

**Scenic Beach State Park:**

**Proposal:** Open April 15 through May 15.

**Explanation:** Current Regulation: CLOSED. The clam season on this beach coincides with the oyster season, which we are recommending be re-opened in 2006.

**Staff Recommendation:** Adopt as proposed.

**Triton Cove Tidelands:**

**Proposal:** Open July 1 through August 15.

**Explanation:** Current Regulation: Open July 1 through September 30. Surveys indicate a decrease in the clam population. Shortening the season by six weeks will decrease sport effort sufficiently and also allow staff to enhance the beach with "seed" clams.

**Staff Recommendation:** Adopt as proposed.

**Triton Cove State Park:**

**Proposal:** Open year-round.

**Explanation:** Current Regulation: Open April 1 through June 30. This beach is now passively managed for clams by the state and Tribes. There is no longer any reason to stipulate a clam season, and this beach can be deleted from the WAC.

**Staff Recommendation:** Adopt as proposed.

**West Dewatto (DNR 44-A):**

**Proposal:** Open January 1 through May 31.

**Explanation:** Current Regulation: Open January 1 through April 15. Surveys show an increase in the clam population for the second year in a row. This, and a negotiated trade with Tribes, will permit a six-week extension of the sport fishery.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** The clam seasons listed above were all adopted as proposed.

## **Oyster Season Changes**

**Belfair State Park:**

**Proposal:** Open year-round.

**Explanation:** Current Regulation: NONE (closed by Parks and Department of Health). This beach has been closed by Parks and Department of Health since 1987 due to pollution, but is expected to be health-approved by mid-January 2006.

**Staff Recommendation:** Adopt as proposed.

**Cushman Park:**

**Proposal:** Open May 1 through May 31.

**Explanation:** Current Regulation: Open year-round. This small beach has been managed passively for oysters for many years, but has become very popular in recent years with sport harvesters. Also, the Skokomish Tribe surveyed the beach in 2005 and they plan to harvest the beach commercially in 2006, which automatically places it into active management status. The state share of oysters will only support a month-long season; we recommend May since many Hood Canal shrimp fishers use this boat ramp and like to harvest oysters at the same time.

**Staff Recommendation:** Adopt as proposed.

**Illahee State Park:**

**Proposal:** Open April 1 through July 31.

**Explanation:** Current Regulation: Open May 1 through June 15. Oysters at this beach are entirely the result of our enhancement efforts. We have increased oyster seeding in the last two years, and the beach can now easily support a 10-week extension.

**Staff Recommendation:** Adopt as proposed.

**Kitsap Memorial State Park:**

**Proposal:** Open May 15 through July 15.

**Explanation:** Current Regulation: Open May 15 through June 15. Surveys indicate an increase in the oyster population; this and our planned enhancement with cluster oysters justify a one-month extension of the oyster season.

**Staff Recommendation:** Adopt as proposed.

**Penrose Point State Park:**

**Proposal:** Open March 1 through May 31.

**Explanation:** Current Regulation: Open April 1 through May 15. Oyster season should coincide with the clam season at this beach, and the oyster resource at this beach (which is entirely due to our enhancement efforts) can withstand the six-week proposed extension.

**Staff Recommendation:** Adopt as proposed.

**Port Townsend Ship Canal/Portage Canal:**

**Proposal:** January 1 through May 31.

**Explanation:** Current Regulation: January 1 through June 30. Oyster season should coincide with the clam season at this beach.

**Staff Recommendation:** Adopt as proposed.

**Potlatch DNR Tidelands:**

**Proposal:** Open April 1 through August.

**Explanation:** Current Regulation: Open April 1 through June 15. Oyster season should coincide with the clam season at this beach, and the oyster resource can withstand the ten-week extension.

**Staff Recommendation:** Adopt as proposed.

**Potlatch East:**

**Proposal:** Open April 1 through August 31.

**Explanation:** Current Regulation: Open April 1 through June 15. Oyster season should coincide with the clam season at this beach, and the oyster resource can withstand the ten-week extension.

**Staff Recommendation:** Adopt as proposed.

**Potlatch State Park:**

**Proposal:** Open April 1 through August 31.

**Explanation:** Current Regulation: Open April 1 through June 15. Oyster season should coincide with the clam season at this beach, and the oyster resource can withstand the ten-week extension.

**Staff Recommendation:** Adopt as proposed.

**Scenic Beach State Park:**

**Proposal:** Open April 15 through May 15.

**Explanation:** Current Regulation: CLOSED. Surveys indicate that the oyster population has increased, justifying a re-opening of the oyster season.

**Staff Recommendation:** Adopt as proposed.

**Sequim Bay State Park:**

**Proposal:** Open year-round

**Explanation:** Current Regulation: Open May 1 through June 15. The oyster resource at this beach is entirely due to our seeding, and the population can easily withstand a year-round season. State Parks favors the extended season.

**Staff Recommendation:** Adopt as proposed.

**Triton Cove State Park:**

**Proposal:** Open year-round.

**Explanation:** Current Regulation: Open April 1 through June 30. This beach is now passively managed for oysters by the state and Tribes. There is no longer any reason to stipulate a clam season, and this beach can be deleted from the WAC.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** The oyster seasons listed above were all adopted as proposed.



## **Testimony on Other Issues, Proposals not Supported**

I would like to know if and when there will be a rule change allowing selective retention of marked chinook salmon in those areas where all king salmon must be released. I am specifically referring to marine areas 9 and 10 where I have hooked and released multiple marked kings over the last several years (along with many other Puget Sound area anglers).

1) Change definition of "jack coho" from 20" to 24". This is how it was years ago and it was fine. Too many jacks over 20" so returning it to 24" would be in order. 2) Return bonus limit for kokanee – either 10 or 16. 3) Lake Washington is NOT a historical site for treaty netting on sockeye, so no fishery of that type should continue...those sockeye were introduced, so no historical tribal precedent has been made. 4) No charge for additional salmon punch cards. It is like charging for a vehicle license based on miles driven.

The Governor has updated the Commission giving it a new life. Now this has taken place it may be time for the Commission to give a new look at Fisheries management as a new major cycle of changes are about to be considered.

With this in mind I will ask the Commission to review some of the management of Steelhead the WDFW has not chosen to be considered for this cycle.

It is my intention to provide the commission with individual changes that The WDFW did not consider to implement.

# 1. Revise the sports rule to allow fishing by all legal fisher types (Trollers, moochers, drifters, plunkers, fly fishers, etc.) whenever an area is open to fish. Open areas should not be open to an individual group i.e. Fly Fishing only. Reason- Equal opportunity should be provided to all citizens that have a legal fishing license. Washington's government practices equal opportunity to all citizens not to an individual group or race of citizens.

One of the reasons the WDFW gave in not considering this change was "This would severely limit the areas and times open to fishing, because a population would have to strong enough to stand a fishery with any kind of gear before a fishery could be opened up. " A fishery should not be open until it can stand this type of pressure and would not change the number of fish that an individual could take. The other reason was diversity limit this would increase not decrease diversity.

# 2. Return to previous rule of retaining 5 Wild Steelhead in rivers meeting or exceeding escapement goals. WDFW reason for not consideration of this change was "This issue was addressed by the Commission very recently. We do not support the change at this time."

In my opinion the WDFW is trying to side step the issue as it is controversial and political and it should be addressed based on scientific data of fish culture.

Past history shows that the WDFW recommended and supported the 5 fish limit until it became controversial with the Commission. Political juggling is NO WAY the Management of Steelhead.

The DRAFT white paper (in preparation) has identified the long term, past fishing practices will not be harmful to the Wild Steelhead population over the 100 year term. (2 % decrease)

Implementing of the HRSR philosophy should further increase Wild Steelhead population.

#3.Catch and Release only allowed on rivers where catch and keep are allowed and restricted to any area that is not meeting or exceeding escapement goals.

WDFW reason for not recommending this change is, "We strive to provide a diversity of opportunity, and this would severely limit areas and times fishing was allowed. WDFW reason is only partly true as Steelhead fishing for catch and keep is open more than catch and release.

Stocks of fish that are not meeting their escapement goals or only marginally meeting escapement goals should not be harmed. Many times catch and release fishers fish on spawning fish, disturbing and killing spawners that decreases the amount of fish that can reproduce and re-establish wild runs.

I would like to ask that the steelhead season boundary be extended from Highway 17 Bridge near Bridgeport to the 400' mark below Chief Joseph Dam this year. Last year, the boundary ended at the bridge on the Douglas County side. I fished below the bridge most of the season and due to the swift water was unable to even get a take down. When the boundary was to 400' below Chief Joseph I had success fishing in the area that Foster Creek flowed into the Columbia.

I talked with the Colville Tribe fish person and because there are no Native Americans fishing there, he felt it should be open for others to fish. In addition, the area along Bridgeport only has one area where the public can fish and that is Marina, which is only maybe 900 feet long on a shore that is 8-10' of steep bank. The rest of the shore is private property or inaccessible. Please consider this request.

Willapa Bay marine area 2-1 should be opened to "barb" hooks starting August 16<sup>th</sup> because it is a total kill fishery on salmon.

I think it should be made a rule that anyone that catches a salmon with the intention to keep it should kill it immediately. How many times did I witness people leaving the fish to suffocate and agonize on the beach. Not only is it absolutely stupid with regards to the quality of the meat, it also promotes a bad image to passersby and kids watching this. The fish (salmon or other) should be quickly killed, not let to slowly asphyxiate.

Thank you for one of the best crab seasons I can remember in a long time. Despite the reduced days and limits, my family and I enjoyed consistently good crabbing all summer; not only that, but the crab we caught were hard, well over the required minimum size, and there was a greatly noticeable reduction in the amount of crazy boat traffic which we jokingly refer to as the "feeding frenzy."

For the past 2 years, we have traveled to Ucluelet, BC, in mid-August where we stay at a very nice resort/spa, and spend 2 days fishing for salmon and halibut. Each year, we catch our limits of halibut, chinook, and coho. We have our fish processed, portioned, and prepared for our freezer making for wonderful meals and fish stories to share with

guests that last throughout the winter, spring, and summer months until our next pilgrimage back to Ucluelet. Expensive? A little . . . but when you calculate the returns in fish as well as the fun and memories, the trip is well worth it.

We Americans are totally missing the boat when it comes to managing a viable salmon and halibut resource and taking greatest advantage of monetary return to the Washington State economy through fisheries development. The dollars returned to the state by commercial fishing are virtually nothing compared to the return potential afforded by tourism . . . (not to mention the indiscriminate overkill of targeted fish and destruction non-targeted fish by commercial nets (particularly bottom draggers). . . . I spoke with several fishing guides in Ucluelet who stated that there are specific areas on the west coast of Vancouver Island where commercial fishing is simply not allowed. The result? Unbelievable "dream" fishing for the sport fisherman, tourist dollars for the communities and Canadian economy, and excellent management of the fisheries to ensure returning numbers of fish for generations to come.

My idea . . . ?

Discontinue immediately all commercial fishing in the American San Juan Islands and in specific coastal areas. Allow recreational-only fishing in these areas with restricted limits and the emphasis on developing a quality sports fishery. Continue commercial fishing, but restrict these activities to designated areas in the open ocean where it belongs. Keep the San Juan Islands and specially designated coastal areas as marine refuges for fisheries enhancement.

p.s. please note that this email is sent after a lot of soul searching. I grew up in Anacortes in the 50's & 60's when many of my friends and their families made their living by commercial fishing locally and in Alaska. Commercial fishing still has a place in this world, but it needs to be applied intelligently and only where such activity is viable in terms of a reasonable catch/escapement ratio.

I'm wondering who I can write to try and convince someone upstairs that the Wenatchee River can and should be opened up to regulated trout fishing.

I know that this subject will not be discussed at the November meeting but I would like to make a suggestion to save salmon and make the rules easier to enforce. I suggest that salmon fishermen be allowed to keep the first two fish they catch, whatever species, marked or not, and then they are done. We release wild fish properly, unless they are hooked in the gills or eye and will probably not survive. I have observed many other boats dragging fish into their boats, working with them for an unreasonable amount of time and then throwing them out, only to have them die. At Sekiu this summer three of us in three days hooked a lot of fish, but brought home only 3 legal fish (marked). I get more of a kick out of playing the fish than eating them, but this was not a very good record in comparison to past years. I understand not all hatchery fish are marked. My suggestion would greatly reduce the cost of marking fish and the obligations of fisheries enforcement officers. I am sure that because of politics this suggestion will probably never be adopted, but I had to go on record with it.

My proposal is accurately staged, to wit: EF Lewis River above Sunset Falls open to fishing for trout – permit flyfishing only, barbless single hooks, catch and release,

regular stream season. The rationale for rejection is: *Production in the area is primarily juvenile summer steelhead, not rainbow trout, and the current rule is put in place to protect them.*

This appears to me to be inconsistent reasoning, since there are a number of Columbia River tributaries which could be characterized in exactly the same way with regard to steelhead and rainbow trout, e.g. the Wind, Toutle, Washougal, none of which have their upper reaches closed. Nearly all undimmed tributaries below Bonneville are primarily anadromous habitat. Why pick on the upper East Fork Lewis? This stream is important to trout flyfishermen residing in the Vancouver area since it is virtually the only decent trout stream within less than an hour's drive. I loved fishing it in the 90s and now must drive to the Muddy or the upper Lewis to get any decent stream flyfishing for trout, nearly 2 hours away. I ask you to reconsider your decision and respond to my rebuttal.

The season has come to an end for this year and I thought that I might give you some of our thoughts on the regulations on the river we fish. We fish the Big White Salmon river #508. We fish at night pulling plugs (Buoyant lures) Pluggers have long been the mainstay of fishing in this part of the river at night. This part of the river is small and can become quit crowded at times. Here are a few things that we feel could be changed to help make this a better fishing area.

Bait fisherman come in at night and almost always there is conflicts between them and the trollers. Boats are anchored in the middle of the trolling lanes and lines are put out that blocks the already small area. Ropes are strung from shore to anchored boats to "claim" a fishing area by forcing the trollers around. Fishermen anchor on shore and cast across the river pulling their bait slowly back to the boat. Boats trolling up the river tangle with their lines and conflicts ensue. There are many other areas open to bait fishing but this is one of the only areas where this type of trolling (Slow rowing) is done.

Suggestion #1: 1 July-1 Jan. Bait fishing prohibited from 1/2 hour after sunset to 1/2 hour before sunrise.

Often boats come in on Friday or Saturday evening and anchor in the middle of the river. The owners then leave in another boat or close up the boat and sleep until morning, so they will be the first to the spot they want the next day. This causes a lot of conflict with the people trying to fish that night. There is ample area to the sides where a boat can be anchored out of the way.

Suggestion #2 : 1 July-1 Jan. No anchoring in the trolling lanes 1/2 hour after sunset to 1/2 hour before sunrise.

Often bait fishermen and jiggers (Non buoyant lures) tie ropes to the railing on the bridges and drop them down to their boats. Ropes are left for the next time. I have seen them looped up and tied so they form a nice hangman's noose. This causes an extreme hazard to other boats especially at night with boats coming in from checking their nets. The tied boats form a blockade that closes the river opening or restricts it to a small area.

Suggestion #3: Year round. No tying boats off to the bridge for the purpose of fishing. Boats are left on the shore year around. Some of these boats I'm sure haven't been used in years. Abandoned and forgotten by the owners. This not only looks bad but makes it all the more difficult for other people to get their boats in and out.

Suggestion #4: 1 Jan.-1 Mar. All boats not in daily use must be removed from the #508 area. To include the shore.

I hope you will give this some thought.

Suggested Reg Changes –

Sauk River: Selective rules year round, no bait.

Reasoning: Diminishing wild steelhead deserve "wild and scenic" appropriate designation and protection. Sportfishing opportunity will increase with moderate regulation supporting successful spawning for summer and early winter native steelhead.

Sauk River and tributaries: No retention of Dolly Varden/bull trout May 1 through Nov 15 to protect spawning fish.

Reasoning: Sauk and tribs are spawning destination for Dolly Varden from multiple watersheds. Dolly Varden are poor table fare. Nov 16-April 31 season provides ample opportunity to keep within 20" existing limit, while protecting the migrating fish when they need protection.

Queets River proposal to allow bait during catch and release seasons:

I would hope that WDFW would encourage ONP to allow bait only because this river is typically so clouded with silt that fishing with artificial and no scent is very difficult. I would still support total wild fish release, and I believe that steelhead can be caught and released using drifted bait.

One general comment -From the various proposal regarding wild steelhead and the potential life history interactions with it is clear that additional consideration is need for this species. It appears to this angler/biologist that the resident life form provides a population safety net to the species during periods of low survival for the anadromous life form. If this is indeed the case or even likely the case then strong consideration needs to be given to the protection of the resident life forms in anadromous waters. It is regrettable that the steelhead management plan has not yet been made available to the public for review and comment. Hopefully the finished product will supply direction in these key areas.

The Hatchery Scientific Reform Group (HSRG) recommendation for wild steelhead management areas would seem to provide a springboard to address at least some of the concerns above. I strongly recommend that consideration be given to implementing some wild steelhead management area recommendations as soon as possible. In fact it would seem to be appropriate that the idea be expanded to wild salmonid (fish) management areas.

The wild steelhead has long played a major role in generating winter tourism in Washington's north coast communities. Access to and retention of this popular fish started to be restricted in 1996 and by 2001 a 10 fish per season limit was in place. During the 2001 sport fishing rule cycle this limit was further restricted to 5 fish.

The WDFW position going into the 2003 rule cycle was status quo (5 fish limit). However, after a contentious process, legal action and special public hearings the annual wild steelhead limit was set at 1.

This year the department has also taken the status quo position (1 fish per year). We are concerned that this position is not based on scientific information, but to quote from the department's rationale column "this issue was addressed by the commission very recently."

The city of Forks (pop 3125) and the Quileute Tribe want to make it perfectly clear to the commission that we fully support the proposals to return the annual limit to 5 wild steelhead and to close the upper reaches of the local rivers to protect spawning habitat. We find it reprehensible that our wishes as local elected officials and resource managers are continually ignored by the department. We pray that the commissioners will take our positions seriously.

We are further upset that the voice of a vocal minority of self proclaimed "purists" are heard above the local community. These same groups hope to drive a wedge between the tribal and non-tribal members of society in the misguided desire to overturn the Boldt decision. This garnering of racial tension is appalling to us and the advocates of these feelings should be ashamed. Please take the steps necessary to implement the proposal submitted by the city of Forks. (Nedra Reed, Mayor, City of Forks).

#### Resolution #340 – City Council of Forks

Whereas the City of Forks has a vested interest in the economic vitality of our community; Whereas there is currently an abundance of wild steelhead returning to the Quillayute River system; Whereas recreational opportunity to catch these fish will provide economic benefit to our community; Therefore be it resolved by the city Council of the City of Forks that: 1) The sport fish rule proposal, submitted by the City of Forks Clerk-Treasurer Dan Leinan, returning the local river systems to a 5 wild steelhead annual bag limit, be adopted by the Washington State Fish and Wildlife Commission. 2) The sport fish rule proposal, submitted by the City of Forks Clerk-Treasurer Dan Leinan, closing the local river systems upper reaches to protect spawning steelhead be adopted by the Washington State Fish and Wildlife Commission. Passed by a unanimous vote of the City Council of the City of Forks in open session and after full consideration of this matter on this 10<sup>th</sup> day of October 2005. (Nedra Reed, Mayor. Attested to: R Daniel Leinan, Clerk Treasurer. Approved as to form: William F. Fleck, Attorney/Planner). Oral testimony from Dan Leinan –1) upper river closures for steelhead sanctuaries reiterated.

2) proposal to reinstate the annual limit of 5 wild steelhead reiterated.

Quileute Tribe Resolution 2005-A-73 A resolution requesting the adoption of Sport Fishing proposals to return wild steelhead retention to 5 per year and to protect upper river spawning areas from sport fishing impacts.

Whereas the Quileute Indian Tribe is an Indian Tribe organized under the Indian Reorganization Act, and the Quileute Tribal Council is the duly constituted governing body of the Quileute Indian Tribe by authority of Article III of the Constitution and By-laws of the Quileute Indian Tribe approved by the Secretary of the Interior on of November 11, 1935; and Whereas, the ancestors of the present Quileute Tribe were a

party to the Olympia Treaty of 1855, and enjoy the rights reserved to it by that Treaty and; Whereas, the Quileute Tribal Council has a vested interest in the economic vitality of our community; Whereas there is currently an abundance of wild steelhead returning to the Quillayute River system; Whereas, recreational opportunity to catch these fish will provide economic benefit to our community; Therefore be it resolved that the Quileute Tribal Council that 1) The sport fish rule proposal, submitted by the City of Forks Clerk-Treasurer Dan Leinan, returning the local river systems to a 5 wild steelhead annual bag limit, be adopted by the Washington State Fish and Wildlife Commission. 2) The sport fish rule proposal, submitted by the City of Forks Clerk-Treasurer Dan Leinan, closing the local river systems upper reaches to protect spawning steelhead be adopted by the Washington State Fish and Wildlife Commission. (Russell Woodruff Sr., Chairman).

Certification: I hereby certify that the foregoing Resolution and Certification was adopted at a regular meeting of the Quileute Tribal Council at La Push, Washington on the 27 day of October 2005 at which time a quorum was present and the Resolution was adopted by a vote of 4 for, 0 against, and 0 abstentions. (Roseann Frans Authorized Representative).

The Quileute Tribe fully supports the City of Forks Resolution #340 regarding local wild steelhead sport fishing rules. These proposals will not only benefit the local economy, but will also protect the up river-spawning habitat. These rules also provide both tribal and sports fishermen access to the wild steelhead abundance. There are some people that would like to pit tribal and sport fishing interests against each other by limiting sport fishing access to the wild fish. We oppose these efforts, that can only foster hatred and disrespect among harvest group. (Russell Woodruff, Sr., Chairman Quileute Tribal Council).

Proposals received 11/14:

- 1) Close upper Wynoochee above 7400 from December – March 31. Open it in the summer. That it should be closed there is all good spawning water up there. Fish get harassed too much and big fish get taken. Let them spawn. Make the limit 3 for hatchery fish below the dam.
- 2) Chehalis spring chinook fishery should close June 30. Hoh spring chinook fishery should close July 15. These are real natives. Too much snagging when they are on their spawning beds in the late summer. We need the tribes to look at helping on this also. These late fish will be wiped out if netting and late fishing continue.
- 3) Single point barbless hook rule should be forever when wild fish release is present. This rule should stay in effect after Aug 16 when most places go to single point barbless through Nov 30 for all wild salmon and steelhead. All of region 6 should be this way August 16 through April 30. After Nov 30 we still have to let natives go – why change back to trebles? Help the fish out.
- 4) Should let salmon charters in the ocean have the first 2 silvers regardless of hatchery or wild. They kill the turn loose fish any way. This would let them catch their limits not kill fish. Too many floaters after they hit a school of fish. Fish are not handled well.

- 5) Humptulips – open salmon on October 1 instead of 16. This would give sportsman more of chance on 1<sup>st</sup> hatchery fish. It would help on pressure of the rest of the river. Would spread our pressure over all other rivers opening on the 1<sup>st</sup>. Should help keep some of the poaching down when there are fishermen on the river early.
- 6) Change salmon opener on the Chehalis to Sept 15. Earlier opener would let more jack fishing take place. If there is early rain you have a chance of the first adult silvers.
- 7) Make opening day for trout on streams and beaver ponds back the way it used to be – 1<sup>st</sup> Sat preceding Memorial Day. Would not affect juveniles because of size limits. This is the 1<sup>st</sup> 3-day holiday. It would help relation between game people and public. There are a lot of steelhead taken on the weekend of Memorial Day. There is not much trout fishing going. Any mortality rate suffered from people fishing doesn't match up to any kinda kill mergansers have.

This is my third time through the major cycle sport fish rule change proposal process. Each time, every time I have received insulting and condescending responses to my rule change proposals. I now have doubts that the “process” is not about public input but merely a façade for the WDFW to conduct their already planned business with the stamp of public “approval”. In other words, the only public rule change proposals blessed by the WDFW are ones that are aligned with their unpublished strategy. I made three proposals this year in hopes of getting a reasonable response on one of them but alas no such luck. Although they are separate proposals they should be looked at as one. The three proposals are regarding lingcod in Puget Sound: punch cards for lingcod, size limits on ling cod for spear fishing, and the same season (six weeks) for spear fishing as for hook and line fishing. I have submitter a letter for each proposal.

#### Size Restrictions for Ling Cod

I suggested the same lingcod size restrictions that hook and line anglers have be applied to spear fishermen. The WDFW response was “lingcod harvest by divers is controlled by a shorter season length than hook and line fishers because divers do not have size restrictions that hook and line anglers have.” Note that 2 divers put in rule changes to have these restrictions. WDFW responded “lingcod can't be accurately measured in a spear fishery until it is too late. Thank you – after 38 years of diving and spear fishing I don't know that. However I do know what is small and what is big and don't spear the small fish or the big fish (normally large females). Applying the size rules would make spear fishermen make decisions not to take fish in question, particularly large females. (spear fishers are asking for restrictions on their privilege to spear fish – you don't see this from the hook and line lobby).

Note that if you cannot measure a lingcod accurately until it is too lat, how can I measure an elk or deer antler within 1/16 of an inch at 200 yards in the rain, with fogged-up glasses, at dusk or dawn? It is clear again WDFW is not consistent in how they manage. This is absurd. Deer/elk hunters and spear fishermen can and do make good judgments on what they decide to harvest – if it doesn't look right, you don't shoot/spear.

Reasons for same size restriction:



- 1) Fairness – it would equalize any perceived or real advantage of spear fishing over hook and line fishing or vice-versa. Therefore both gears deserve the same season.
- 2) Protecting large females – size limit would do this.

#### Punch Cards for Lingcod

I suggested a punch card for ling cod with a limit of ten for adults and five for juveniles. WDFW responded, “Currently the lingcod fishery is stable. We do not think another catch record is advisable at this time.” Note this implies there are enough ling cod, so why is the spear fishing season ½ the hook and line season?

Reasons for lingcod punch card:

- 1) Fairness – an annual limit would equalize any perceived or real advantage that spear fishing over hook and line fishing or vice-versa.
- 2) Fairness – most sport fishers are limited to weekends, limiting the number of days they can fish. Lingcod tend to be localized and can be “fished out.” A punch card gives everyone the opportunity to share equally.
- 3) Fairness – having a punch card would eliminate those who can afford the time to fish every day the entire season and catch 42 lingcod. Sport fishing is a privilege and is not about filling the freezer. WDFW owes anyone the right to get a return on their investment in recreational equipment and should manage so 10 generations out will be able to enjoy the same privilege.
- 4) Metric – “The lingcod fishery is stable” does not mention any metrics – this must be a feel-good metric. A punch card would provide real metrics to better understand and manage the resource. If you are not measuring how can you hope to manage?
- 5) Incidental catch – The thousands of endangered rockfish that are caught incidentally by hook and line fisheries could be documented on a punch card. Spear fishing has no incidental catch of protected fish. Logic and reason would reward the fishing type that can target only the fish intended.

#### Changing the Spear-fishing Season

My proposal was for a 6-week season lingcod spear fishing season rather than the current 3-week season – the same 6 weeks open to hook and line fishers. WDFW responded, “Lingcod harvest by divers is controlled by a shorter season length than hook and line fishers because divers do not have size restrictions that hook and line anglers have.” My first proposal in the 2002-2003 cycle was rejected because “season seems to be working well as is – no change required.” I expect WDFW staff will have all the data (catch records by fishing type, lingcod caught by size, area etc.) to show why spear fishermen should not get the same season as hook and line fishers before rejecting my proposal. Over the last 6 years, I have received 3 different reasons why spear fishers have a different season, but at no time did WDFW provide the original reason that the season was changed from the six-week season to the three-week season. Certainly WDFW is getting more sophisticated in justifying their alignment with the hook and line lobby, but their lack of consistent answers just amplifies their pathetic lunacy in justifying their current biased directions. (See size restriction proposal text for reasoning on why size limits should work for dive fisheries and comparison to deer/elk antler measurement rules).

Other reasons why the change is needed:

**Safety** – The short season forces divers to go out in questionable weather and dangerous tidal exchanges. Most work, so weekends are when most spear fishing occurs. In general, every other weekend offers save and diveable tides, assuming the weather cooperates. So divers get between 2 and 4 weekend days to dive in a season. Diving during dangerous tidal exchanges puts the diver in jeopardy and makes it hard to find safe anchorages.

**Fairness** – divers can only spend 20-50 minutes underwater, depending on the depth. Even with two tanks the down time is only 40-100 minutes; most of the time less because of current changes.

**Area** – Divers are limited to areas they can safely fish, so many reefs and shoals that hook and line fishers can access are not available to divers due to swift currents, boat traffic, steep walls, etc.

**Depth** – Divers are generally limited to less than 80 feet – the deeper the dive, the less bottom time. Also deeper water is colder and darker.

**Current** – Even a small current can make a dive difficult or dangerous. In many of the better lingcod spots the current runs down “hill”, and can force the diver deeper until he runs out of air. This does not affect hook and line fishers.

**Electronics** – Divers don’t have GPS and fish finders once they get into the water. A hook and line fisher can use these to stay right on top of the fish.

**Incidental Endangered Fish Catch** – Spear fishermen take no incidental endangered fish – having a longer season will not change this. You would think logic and reason would reward this type of fishery.

**Visibility** – In Puget Sound the visibility is often less than 6 feet, especially during large tidal exchanges in May and June when visibility can drop to less than 3 feet. Lingcod can “feel” the diver before he/she has a chance to see them.

**Punch Cards** – Id WDFW used punchcards the annual limit (10) would equalize any perceived or real advantage that spear fishing over hook and line fishing or vice-versa. This might also validate the WDFW statement that the lingcod fishery is stable.

The King County Outdoor Sports Council applauds the recent actions of Governor Gregoire to change the direction of WDFW management by selecting a new slate of Commissioners. We are optimistic that this change will provide a far more responsive commission, and result in getting our steelhead management for recreational fishing back on track by relying on the science provided by WDFW staff. The former Commission ignored existing legislation that calls for maximizing fishing opportunity and instead focused on the interests of a few C&R groups.

Our council is resubmitting our 2 proposals, that were not accepted in the recent WDFW review (see table below). We believe the primary reason for the lack of acceptance was based on the likelihood of their being rejected by the former Commissioners.

Mainstream anglers will be fairly served by the current Commission’s consideration of the following rule proposals:

- 1) Restore the 5 wild steelhead harvest limit for the Boldt Case area, for those streams that satisfy the WDFW/tribal escapement goals
- 2) Initiate additional protection of our wild steelhead spawners from angler harassment throughout the spring months of March-May creating “closed fishing zones.”

For informational purposes for recently appointed Commissioners, the change in wild steelhead harvest from 5 to 1 occurred recently. Through the commission process, WDFW staff consistently opposed reducing the harvest limit, stating there was no conservation reason for the reduction. In fact WDFW conducted a survey to determine what impact occurs, if any with the increased annual limit. The conclusion was that the impact would be about 2% for those streams where harvest is permitted. In spite of opposition from staff, the commission changed the annual limit to 1. This was an affront to mainstream anglers who were aware that some commissioners were working with C&R groups that seek a 0 harvest on wild steelhead and the closure of all steelhead hatcheries in the state. The Commission also ignored a strongly worded memo from the state legislature, the Quileute Tribe and the City of Forks opposing the reduction. The second proposal provides more protection for wild steelhead spawners that are harassed by anglers, primarily during the intense C&R fishery during the spring. There has been little interest shown by WDFW to restrict fishing on spawning steelhead. Over the past 50 years, a few sanctuaries have been put into place. The current spring C&R seasons are currently carried out in regions of the streams where significant concentrations of wild steelhead spawn. The impact has not been determined on spawning success or on survival to spawn again. The Quileute Tribe recently asked WDFW to consider additional protection of spawners, but was ignored. NOAA recently asked WDFW to protect chinook spawners in some streams by closing certain areas to fishing. It is time for WDFW to take immediate conservation action to protect wild steelhead spawners.

These two proposals are also supported by the Pierce County Sportsmen's Council and the Snohomish County Sportsmen's Association, representing over 40 sportsmen's groups in King, Pierce, and Snohomish County.

**Importance of Resident Rainbow Trout Populations in Steelhead Recovery:** We have lost and continue to lose considerable production and diversity of steelhead/rainbow trout, parr and smolts by fishing on these forms. Even where the minimum size is 14", anglers using bait and lures and barbed hooks cause high hooking mortality – one review found trout caught by bait suffer over 30% mortality.

A growing body of literature and observations now shows that sympatric rainbow trout males and precocious steelhead parr males are an important component of the anadromous steelhead spawning population. The literature indicates that up to 50% of the spawning interactions of the anadromous steelhead contain these freshwater forms. Genetic studies also are showing that the two forms (rainbow trout and wild steelhead) are genetically indistinguishable, indicating that mating between the two forms is common. Atlantic coast research shows that brown trout and Atlantic salmon are sympatric with their alternate life history form and commonly interbreed.

Resident rainbow trout have also been shown to produce anadromous smolts during favorable times, helping to maintain steelhead populations – this will aid in recovery of depleted stocks. The depletion of rainbow in most WA rivers must be realized as one of many reasons that wild steelhead have become depleted in most of our rivers. Clearly this interaction is an evolutionary trait of *O. Mykiss* that helps secure its abundance and productivity during environmental conditions not favorable for steelhead survival. From Wild Steelhead Coalition, Native Fish Society, and two other anglers.

Note to WDFW: From Wild Steelhead Coalition, Native Fish Society, and two other anglers

In way of general information the season that now exist on most SW WA streams in Region #5 were developed through much effort by several local groups working with the Department over a number of years. We have been told that WDFW did no consultation with any of these groups before they developed these proposals, and this is unfortunate. In general, we will oppose any liberalization of the present seasons until there is a dialog between local fishing and conservation groups and the Department, the basis of which must be positive population trends over several years. As far as exact opening and closing dates, we believe standardization is more important than maximizing opportunity by a few days one way or the other.

The Native Fish Society opposes and directed or increased harvest on wild steelhead anywhere in the state until WDFW develops a comprehensive conservation based management plan for wild steelhead and their recovery.

Fish First will oppose any regulation changes that would increase mortality on steelhead or other native fish until there is an established multi-year positive population trend. I opposes any directed or increased harvest on wild steelhead anywhere in the state until WDFW develops a comprehensive conservation based management plan for wild steelhead and their recovery.

- 1) In general, the Clark-Skamania Flyfishers will oppose any regulation changes that would increase mortality on steelhead or other native fish until there is an established multi-year positive population trend that exceeds projected goals for the particular run.
- 2) CSF is opposed to any fisheries that are not selective or when their harvest rates or methods impede recovery of depressed or listed stocks.
- 3) It is the position of CSF that the present harvest model used on the Columbia River for salmon and steelhead is the single most significant factor impeding recovery of listed stocks. At a meeting with US Congressmen from WA and OR on Oct 11 when the NOAA/NMFS Regional Administrator, Bob Lynn was asked, "if he was aware of any endangered fish ever recovering when they were subject to harvest rates like those of salmon in the Pacific NW," answered "No."
- 4) CSF and Fish First strongly suggest WDFW standardize the "trout" fishing regs in steelhead and salmon streams in Region 5. The current rules include at least 3 different regs to address trout fishing in anadromous streams. In some it is closed, only steelhead over 20," in others it is open to hook and release but no bait restrictions and in yet other streams it allows two fish over 14." WDFW data collected over years of snorkel surveys leaves no question that our steelhead and salmon rivers in SW WA do not support any harvestable resident trout populations in areas open to angling. The current rules encourage the uninformed anglers to believe they can successfully fish for trout in our anadromous fish rivers. What they end up doing is killing small salmon and steelhead. We would not be curtailing opportunity; we would be increasing the

likelihood that more steelhead and salmon would return by reducing the kill of juveniles.

We urge you to adopt one standard regulation across all of our rivers that prohibits trout fishing allowing only 2 steelhead over 20" such as the current regulations on the Grays River. In the few rivers with a hatchery cutthroat program, such as the Cowlitz, trout fishing should be allowed during the appropriate time period. Salmon seasons would be set on their own merit.

Clark-Skamania Flyfishers are troubled that the Department did not discuss major changes such as what has been proposed here with them before submitting them for review. Our organization has a long history of working with Region 5 staff to develop effective regulations and assisting WDFW personnel in all order of data collection and other projects.

I suggest it would be decent of Region staff to consult with local sport groups prior to proposing changes for increased "opportunity" which could have severe negative impacts on native fish, and which would reverse the suite of local regulations which these groups, working together with the department, have crafted over the past several years.

I request that we cease directed harvest opportunities on wild steelhead until WDFW develops a comprehensive, conservation based management plan for wild steelhead. I also request that direct sport harvest on wild steelhead stops on the Hoh River since it has not made escapement in the last 3 years.

Fish First is deeply troubled that the Department did not discuss major changes such as these proposals with them when the organization has had such a long history of working with the region to develop effective angling regulations and assisting with data collection.

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